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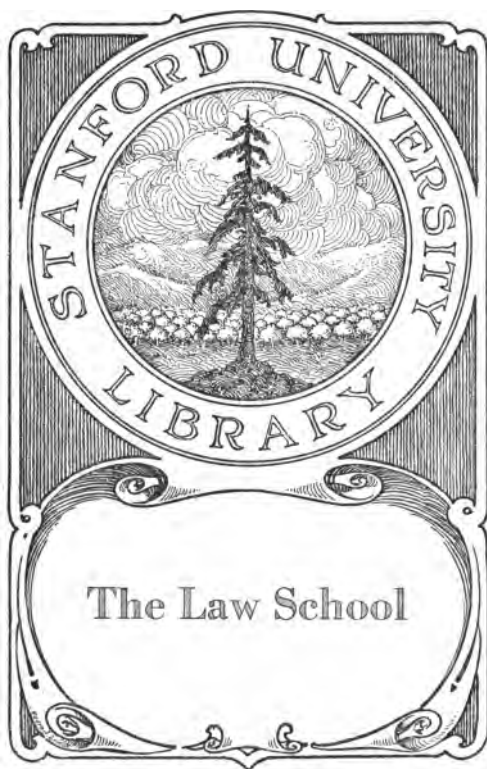
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Ohio Collection



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ACTS OF A GENERAL NATURE
AND
LOCAL LAWS AND JOINT RESOLUTIONS
PASSED BY THE
FIFTY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF OHIO:

AT ITS SECOND SESSION,
BEGUN AND HELD IN THE CITY OF COLUMBUS,

JANUARY 7, 1861,

AND IN THE FIFTY-NINTH YEAR OF SAID STATE.

VOLUME LVIII.

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1861.

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УПАДІЛІ ОБОЖНАТІ

ACTS OF A GENERAL NATURE.

AN ACT

To amend section fifteen of an act entitled "an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859. Sw. & Cr. 712.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifteen of the above described act be so amended as to read as follows: Section 15. Nothing in this act shall be so construed as to require any property exempt from levy or sale upon execution to be delivered up for payment of debts, or to authorize any property belonging to the wife before marriage, and not converted to the husband's use, to be taken in payment of the debts of her husband. If the assignor shall seek to avail himself of a homestead exemption under the provisions of this section, it shall be the duty of the appraisers provided for in the third section of the act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859, and of which act this is an amendment, to set off to said assignor such homestead as is provided for in the "act to exempt the homestead of families from forced sale on execution to pay debts," passed March 23, 1850.

Property exempt from execution.

SEC. 2. That original section fifteen of the act of which this is an amendment be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,

President of the Senate.

Passed January 9, 1861.

AN ACT

To amend section two hundred and seventeen of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853. Sw. & Cr. 807.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two hundred and seventeen of an act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853, be amended so as to read as follows: Section 217. When

Non resident plaintiff may be required to give security.

a person, intending to bring an action before a justice of the peace, is a non-resident of the township in which he intends to commence such action, the justice may, previous to his issuing process, or at any time before trial, require such person to give security for the costs of suit, which may be done by depositing a sum of money deemed by the justice to be sufficient to discharge the costs that may accrue in the action, or by giving an undertaking with surety approved by the justice, payable to the adverse party, for the payment of all costs that may accrue in the action.

Sec. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 15, 1861.

AN ACT

Making partial appropriations for the year 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, be and the same are hereby appropriated out of any money in the treasury for general revenue purposes for the year 1861, to wit:

Gen'l Assembly.	For the per diem pay of the lieutenant governor, as president of the Senate, the payment of members of the general assembly, their clerks, assistant clerks, sergeants-at arms, and their assistants, and messengers, the sum of twenty-five thousand dollars; for the payment of printing for the state, and executive departments, and of the laws, journals, documents, reports, and other work ordered by the general assembly, in accordance with the laws of the state, ten thousand dollars; for the contingent fund of the treasurer of state, fifteen hundred dollars; for the current expenses of the Ohio penitentiary, ten thousand dollars; for the payment of guards at the Ohio penitentiary, five thousand dollars; for the payment of the clerk in the office of the state commissioner of common schools, two hundred and fifty dollars; for the payment of the clerks in the office of the comptroller of the treasury, four hundred dollars; for the contingent expenses of the state librarian, one hundred dollars; for payment to discharged convicts, two hundred and fifty dollars; for the payment of the clerk of the attorney general, two hundred dollars; for the payment of the mileage of county treasurers in making their semi-annual settlements, the sum of eighteen hundred dollars; for the completion of the enlargement of Ohio penitentiary, as provided in the act to provide for the enlargement of the Ohio penitentiary, passed March 23, 1860, two thousand five hundred dollars.
Printing.	
Clerks, contingent funds, &c.	
Discharged convicts.	
Atto. Gen'l's clerk.	
Treas. mileage	
Penitentiary enlargement.	

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 21, 1861.

AN ACT

To amend sections one and two of an act entitled "an act to provide or the surrender or transfer of turnpikes and plank roads," passed April 17, 1857. Sw. & Cr. 339.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of an act entitled "an act to provide for the surrender or transfer of turnpikes and plank roads," passed April 17, 1857, be so amended as to read as follows: That any turnpike or plank road company, having their road located or constructed, or having the corporate right to construct any such road through or into any county or counties of this state, may, with the consent of three-fourths of the stockholders, and with the like consent of all of the commissioners of such county or counties, relinquish and transfer to the commissioners of any such county or counties the whole or any part of their said road, together with all rights and privileges appertaining thereto: provided, that any such transfer to the commissioners of any county shall be limited to the part of such road within the boundaries of such counties respectively: provided, that such transfer shall be without consideration, and that no tolls shall be collected on such road within such county or counties.

Transfer of
road to county
commissioners

SEC. 2. That section two of the above recited act be amended so as to read as follows: Section 2. Such transfer shall be evidenced by the execution of a written declaration signed by the president or other principal officer, and the secretary or other recording officer, and under the seal of said company, and shall take effect and have full force, on depositing with the auditor of the county within which said relinquished road may lie, the said written declaration or a copy thereof, and upon the entry upon the journal of the commissioners of such county [of] an acceptance, signed by all of said commissioners, of such relinquishment or transfer; which written declaration, so deposited as aforesaid, shall thereupon be entered by said auditor upon his record of roads or highways, and thereafter such road, or part of road, shall be under the control of the county commissioners of the county in which the same may lie, who shall, by a proper order, provide that the same shall be a public highway; and that no tolls are collected thereon within the limits of such county.

Same.

SEC. 3 This act shall take effect upon its passage, and that original sections one and two be and the same are hereby repealed.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed January 25, 1861.

AN ACT

To punish the crime of having counterfeit bank notes or coin in possession with intent to pass the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall be detected with any false, forged, or altered, counterfeit or spurious bank note or notes, or any false, forged, base, or counterfeit coin or coins, made in the similitude of any gold, silver, or copper coin or coins currently passing in this

Having in pos-
session coun-
terfeit bills or
coin.

Penalty.

state, in his or her possession, for the purpose of uttering and publishing the same as true and genuine, knowing the same to be false, forged, altered, spurious, base, or counterfeit, every such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years nor less than one year.

SEC. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 30, 1861.

AN ACT

To prevent the amalgamation of the white and colored races.

What persons shall not intermarry.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter it shall be unlawful for any person of pure white blood to intermarry with or have illicit carnal intercourse with any negro, or person having a distinct and visible admixture of African blood; or for any negro or person having a distinct and visible admixture of African blood to intermarry with or have illicit carnal intercourse with any person of pure white blood; and any person offending against either of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or be imprisoned in the jail of the county for any period not exceeding three months, or both, at the discretion of the court.

Penalty.

Penalty for solemnizing such marriage, or issuing license therefor.

SEC. 2. That any person who shall, knowingly, solemnize a marriage forbidden by this act, or any probate judge who shall, knowingly, issue a license for the solemnization of any marriage forbidden by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail for a period not exceeding three months, or both, at the discretion of the court.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 31, 1861.

AN ACT

Sw. & Or. 1510 To amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That original section forty-eight of said act be amended so as to read as follows:

Sec. 48. The mayor, or in case of his absence the recorder, shall preside at all meetings of the council; the recorder shall also be and act as the clerk of the corporation, and shall attend all meetings of the council and make a fair and accurate record of all their proceedings, laws, rules and ordinances made and passed by the council, and the same shall at all times be open for the inspection of all persons interested; and it shall be the further duty of the recorder previous to the first Monday in April of each year, to make and enter in the record book of the corporation, an account of all the receipts and expenditures of the corporation of the preceding year, stating for what the money was received and how expended, a copy of which account he shall post up at the place of holding election for officers of the corporation, on the morning of the first Monday of April, annually.

Duties of recorder of incorporated village.

Sec. 2. That the original section forty-eight of said act be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 5, 1861.

AN ACT

Fixing the time of holding the common pleas court in the counties of Tuscarawas and Noble, for the year 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the several terms of the court of common pleas, in and for the counties of Tuscarawas and Noble, for the year 1861, shall be begun and held at the times following, to wit:

In the county of Tuscarawas on the twenty-sixth day of February, the twenty-first day of May, and the twenty-ninth day of October. In the county of Noble, on the fifth day of March, the fourth day of June, and the twelfth day of November.

Sec. 2. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 6, 1861.

AN ACT

To regulate and limit the compensation of county auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the several county auditors in this state shall hereafter receive compensation per annum for their services, as follows: In

Compensation per annum.

counties having, by the last preceding enumeration of male inhabitants above the age of twenty-one years, taken under the authority of this state, no more than two thousand four hundred such inhabitants, the county auditor shall receive nine hundred dollars for each year ; and in counties having more than two thousand four hundred such inhabitants, the auditor shall receive the like sums respectively, and in addition thereto shall receive for each year the sum of fifty dollars for each additional two hundred such inhabitants above twenty-four hundred in such county ; such compensation to be paid out of the county treasury on the order of the county commissioners ; provided, that in counties having by the last preceding enumeration [of] male inhabitants over the age of twenty-one years, more than six thousand such inhabitants, the county commissioners shall have power and are hereby authorized to make such additional allowance out of the county treasury annually for clerk hire, as they may deem necessary and proper, and also shall be authorized to allow the auditor in any county a reasonable additional compensation for extraordinary labor in the years in which real estate appraisements are made, whenever in their opinion the compensation allowed by the provisions of this act is not sufficient to pay for the same ; and the compensation to be allowed according to the provisions of this act to county auditors, after the taking of any future enumeration of white male inhabitants under the authority of this state, shall be as herein established in every county, according to its population as herein classified, as ascertained from time to time by such enumeration.

-- additional.

Fees in addition.

Sec. 2. The several county auditors of this state shall be authorized to charge and receive for their own use, in addition to the compensation provided for in section first of this act, the following fees, viz : For certificate of sale of school lands, to be paid by purchaser, fifty cents ; for certificate of payment of installment into the treasury on school lands, to be paid by purchaser, twenty-five cents ; for final certificate of payment for school lands, to be paid by purchaser, one dollar ; for certificate of sale of land for taxes, to be paid by the purchaser, ten cents ; for deed of land sold for taxes, to be paid by the purchaser, one dollar and twenty-five cents ; for any entry or transfer of land for taxation, to be paid by persons requiring the same, ten cents.

Acts repealed.

Sec. 3. The act entitled an act " to regulate the fees of county auditors," passed March 19, 1838, and an act to amend section thirty-one of an act entitled " an act regulating the fees of county auditors," passed March 30, 1859, is hereby repealed : provided, that nothing in this act shall be so construed as to affect the compensation of any auditor now in, elected to, or [who] may be appointed previous to October first, 1861, to said office.

Proviso.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 7, 1861.

AN ACT

To amend section five of an act entitled an act to provide for the semi-annual collection of taxes, passed April 2, 1859.

Sw. & Cr.
1476.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of the act aforesaid be amended so as to read as follows: When one-half the taxes charged against any entry of real estate shall not be paid on or before the twentieth day of December in each year, or collected by distress or otherwise prior to the February settlement, as authorized by this act, a penalty of twenty per cent. thereon shall be added to such half of said taxes on the duplicate; and if said taxes and penalty, including the remaining half of such taxes, shall not be paid on or before the twentieth of June next thereafter, or collected by distress or otherwise prior to the next August settlement, the same penalty shall be charged on said last half of said taxes; and the amount of the whole together shall constitute the delinquent taxes on such real estate, to be collected in the manner that is or may be prescribed by law. And if the amount of such delinquent taxes and penalty, together with one-half of the taxes charged against such real estate for the current year, shall not be paid on or before the twentieth day of December of the same year, the said delinquent taxes and penalty, and the whole of the taxes of the current year, shall be due, and be collected by the sale of such real estate in the manner that is or may be authorized by law; and in case the first half of the taxes charged upon any real estate shall be paid on or before the twentieth day of December as provided in this act, but the remaining half thereof shall not be paid on or before the twentieth day of June next thereafter, or be collected by distress or otherwise prior to the next August settlement; as provided in this act, then the same penalty shall be added to such unpaid taxes, and the same shall be treated as delinquent taxes, as provided in this act, and with the taxes of the current year collected by the sale of such real estate as aforesaid.

Where taxes
are not paid at
the time pre-
scribed.

SEC. 2. That the original section five of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 7, 1861.

AN ACT

To provide for the removal of the seat of justice of Pike county, Ohio, from the town of Piketon to the town of Waverly, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the taking effect of this section of this act, as hereinafter provided, the seat of justice in the county of Pike shall be removed from the town of Piketon, and shall be perma-

nently fixed, until otherwise provided by law, at the town of Waverly, in said county.

Sec. 2. That the foregoing section of this act shall take effect and be in force when and so soon as the same shall be adopted by a majority of all the electors of said Pike county voting at the next general election after the passage thereof, as hereinafter provided.

Sec. 3. That the electors of said Pike county, at the next general election after the passage of this act, shall indorse, or otherwise place on their tickets, either the words "for removal" or "against removal;" and if a majority of all the electors of said Pike county voting at said election shall vote for "removal," the first section of this act shall thereupon be considered and holden to be adopted by such majority; provided that all tickets upon which the words "for removal" shall not be indorsed, or otherwise placed, shall be taken and considered as votes against removal, as fully as though the words "against removal" were indorsed or otherwise placed thereon.

Sec. 4. That the judges and clerks of election in the several townships, in said county, at the said general election, shall cause all the votes that may be so given for removal, or against removal, to be correctly counted, in the same manner that other votes are by law required to be counted, (in doing which, all tickets upon which the words "for removal" shall not be indorsed, or otherwise placed, shall be counted as votes against removal, as fully as though the words "against removal" were indorsed or otherwise placed thereon,) and they shall enter and certify in the poll books respectively, of said general election, the number of votes so counted for removal, and the number so counted against removal, which poll books shall be returned and opened, as required by the acts regulating said general elections and the opening of the returns thereof; and the officers opening the returns of said election shall, at the same time that they make, certify and sign the abstracts required by law, also make, certify and sign a separate abstract of all the votes so returned for removal or against removal, showing the number so given in each township, and the footings or aggregate numbers so given in all the townships, which abstract shall be forthwith deposited in the clerk's office of said county, and shall be forthwith recorded by the clerk in the journal of the court of common pleas of said county, which record, or duly certified copy thereof, shall be taken and received as legal evidence for all purposes of the result of said voting.

Sec. 5. The sections of this act, subsequent to the first section, shall take effect and be in force on the passage of this bill.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 7, 1861.

AN ACT

To amend section four of an act passed April 16, 1857, entitled "an act for the execution of deeds for lands sold by the State of Ohio, and for other purposes," and to repeal the section so amended. Sw. & Cr. 479.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act passed April 16th, 1857, entitled "an act for the execution of deeds for lands sold by the State of Ohio, and for other purposes," be so amended as to read as follows :

Section 4. Whenever the purchaser has died before deed made, and the lands have passed to others, by descent or devise, and the title still remains in them ; or where the person or persons to whom said lands may have so passed by such descent or devise, may have conveyed such lands, or their interest therein, to any other person or persons, by deed of general warranty or quit claim, the governor shall, upon the proof of such facts being made to him and the attorney-general, execute the deed directly to the person or persons entitled to said lands, according to the true intent and meaning of this act, even although such person may derive his title to said lands through one or more successive conveyances from the person or persons to whom said lands may have so passed by such descent or devise ; and whenever it shall be made to appear, to the satisfaction of the governor and the attorney-general, that any deed of conveyance of any lands sold by the state shall have been lost or destroyed, before record thereof in the proper county, it shall be competent for the governor to execute a new deed, reciting and declaring the fact of the execution of such former deed ; and the new deed so executed shall have the same force and effect in law as the said former deed, and vest in the original grantee, his heirs and assigns, the title to the lands so conveyed, in the same manner as if the said original deed had not been lost or destroyed.

Where original purchaser died before deed made, or where original deed destroyed.

Sec. 2. That section four of the act to which this is an amendment be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 7, 1861.

AN ACT

To provide for determining and publishing the apportionment of senators and representatives for the next decennial period.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor shall cause the apportionment for senators and representatives in the general assembly, which shall be made in the year 1861, and each decennial period thereafter, by the governor, auditor, and secretary of state, as provided for in section eleven of article eleven of the constitution of the state, to be published immediately after the making of said apportionment, in three weekly

Publication of apportionment.

newspapers in the city of Columbus, for the period of four consecutive weeks.

SEC. 2. This act shall be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 7, 1861.

AN ACT

To repeal all special acts of incorporation which have not been accepted, or acted upon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all special acts of incorporation in force in this state, which have not been accepted, or acted upon, be and the same are hereby repealed.

SEC. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 7, 1861.

AN ACT

To enable the people of the townships of Bath and Miami, in Greene county, to make the Clifton and Byron turnpike road a free turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever a majority of the legal voters in the townships of Bath and Miami, in Greene county, or a majority of the tax-payers in said townships, shall make known to the county commissioners of Greene county their consent that the sum of seven thousand dollars shall be collected, by taxation upon the taxable property within said townships, for the purpose of making the Clifton and Byron turnpike road a free turnpike road, and the owners of said turnpike road shall give their assent to surrender said road to the public use as a free road, for the sum herein provided to be raised by taxation, it shall be the duty of said county commissioners to levy a special tax equally upon all the property in said townships of Bath and Miami, at such rate as shall produce a sum not exceeding seven thousand dollars, and as near that sum as is practicable, which sum shall be collected by the county treasurer as taxes for state and county purposes are collected, and when so collected, the same shall be paid over by the order of said county commissioners to the owners of said road, and thereupon they shall declare said turnpike road to be a free public highway.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 8, 1861.

AN ACT

Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852. Sw. & Cr. 171.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any number of persons, as named in the first section of the act to which this is supplementary, associate themselves into an agricultural, mechanical, and industrial association, they, or a board of not less than three directors, elected by them, shall, under their hands and seals, make a certificate specifying the amount of capital stock necessary, the amount of each share, the place where such association shall be located, the name and style by which such association shall be known; which said certificate shall be acknowledged, certified, and forwarded to the recorder of the county in which such association is formed; and such certificate shall be recorded by the said recorder, to carry into effect the provisions of this act; and when so incorporated, they are hereby authorized to carry out the objects named in said certificate of incorporation, and by the name and style provided in said certificate shall be deemed a body corporate with succession; and they and their associates, successors and assigns, shall have the same general corporate powers as are provided in the third section of the act to which this act is supplementary, and subject to all restrictions in said act not inconsistent with the provisions of this act.

Agricultural,
mechanical,
and industrial
associations.

Seco 2. This act to take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 8, 1861.

AN ACT

To amend the act entitled "an act to provide for the election, qualification and removal from office of the clerks of the courts of common pleas, and to prescribe the manner of filling vacancies in said office," passed January 31, 1852. Sw. & Cr. 233.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the act entitled "an act to provide for the election, qualification, and removal from office of the clerks of the courts of common pleas, and to prescribe the manner of filling vacancies in said office," passed January 31, 1852, be amended so as to read as follows:

Seco 4. That said clerks may each appoint one or more deputies, to be approved by their respective courts, if then in session, if not then in session, by any judge thereof; and the appointment of every such deputy shall be evidenced by a certificate thereof, signed by his principal, and entered on the journal of the court of common pleas, and shall continue during the pleasure of the principal; and every principal may take such bond and security from his deputy as he shall deem necessary to secure the faithful discharge of the duties of his appointment; and the principal shall, in all cases, be answerable for the neglect of duty or misconduct in office of his deputy. Deputy clerks.

Sec. 2. That section four of the act to which this is amendatory, be and the same is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 8, 1861.

AN ACT

Sw. & Cr. 1154 To amend an act entitled "an act to amend the act entitled an act regulating appeals to the district court," passed March 10, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of an act entitled "an act to amend the act entitled an act regulating appeals to the district court," passed March 10, 1857, be so amended as to read as follows:

Error in attachment.

Sec. 2. When an order discharging an order of attachment is made, and any party affected thereby shall except thereto, the court or judge shall fix the number of days, not to exceed thirty, in which such party may file his petition in error, during which time the property attached shall be held by the sheriff or other officer, during which period the petition in error shall be filed, and the party filing the same shall give an undertaking to the adverse party, with surety or sureties, to be approved by the clerk of the district court, in double the amount of the appraised value of the property attached, conditioned to pay said adverse party all damages sustained by such party in consequence of the filing of said petition in error, in the event that said order of attachment shall be discharged by the court in which said petition in error shall be filed as having been wrongfully obtained. And when such petition in error is filed, and an undertaking given as herein provided, said sheriff, or other officer, shall continue to hold the property attached, subject to the further order of the court.

Sec. 2. That the original section two of the act of which this is amendatory, be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 13, 1861.

AN ACT

To authorize the guaranty of United States bonds.

WHEREAS, by the 13th section of an act of the congress of the United States, entitled "an act to regulate the deposits of the public money," approved the 23d of June, 1836, the sum of two millions seven thousand two hundred and sixty dollars and thirty-four cents, belonging to the United States, was deposited with this state for safe keeping; and

Preamble.

WHEREAS, this state, by an act of the legislature, passed on the nineteenth day of December, one thousand eight hundred and thirty-six, entitled "an act to accept this state's proportion of the surplus revenue of the United States," agreed to receive the said money on deposit, and pledged the faith of the state for its safe keeping and repayment whenever the same should be required by the secretary of the treasury of the United States; and

WHEREAS, in the present disturbed condition of the country it is the duty of this state, by all possible efforts, to support the authority of the federal government and sustain its credit; and

WHEREAS, it is believed that the aforesaid deposit of money with this state may be made instrumental in sustaining the public credit, by pledging it as security for the repayment of a loan by the United States to the amount of such deposit; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon the request of the secretary of the treasury of the United States, the commissioners of the sinking fund of this state be and they are hereby authorized and required, under their hands and the great seal of this state, to guarantee the payment of the principal and interest of any bonds of the United States, to the amount of the moneys belonging to the United States, which were received by this state under the before mentioned act of June 23d, 1836, and are now in its custody for safe keeping as aforesaid.

Amount of guaranty.

Sec. 2. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 14, 1861.

AN ACT

To amend the act entitled "an act supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852," [passed April 8, 1856.] Sw. & Cr. 344.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above recited act shall be so amended as to read as follows:

Sec. 1. That any number of persons, not less than three, may associate themselves together, as provided in the sixty-third, sixty-

Corporations for purposes herein named.

fourth and sixty-fifth sections of the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, for the purpose of constructing and maintaining a canal or canals for hydraulic purposes, with the necessary culverts, waste-ways, and fixtures; building and repairing steamboats and other water-craft; building and operating dry-docks and marine railways; printing and publishing a newspaper or newspapers, or books, or other publications; quarrying stone, marble or slate; boring or digging for oil, salt, or for other vegetable, medicinal, or mineral fluid, in the earth, and for refining or purifying the same; mining coal, ores, and other minerals, or manufacturing the same in whole or in part, or both, and carrying on business usually connected with the main objects of the corporations aforesaid; and when organized, shall be a body corporate, having all the privileges, immunities and powers conferred upon manufacturing companies by said act, and shall be governed in all respects by the provisions of said act, and the acts supplementary and amendatory thereto.

Sec. 2. That the first section of the act hereby amended be and the same is hereby repealed.

Sec. 3. This act to be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 14, 1861.

AN ACT

Making appropriation for the payment of the temporary loan.

Appropriation. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated, from any moneys in the treasury belonging to the sinking fund, for the payment of the principal of the temporary loan maturing March 1, 1861, and the interest thereon, the sum of three hundred and fifty-six thousand three hundred dollars.

Sec. 2. This act shall take effect on its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 14, 1861.

AN ACT

Amendatory to an act to "further amend the act entitled an act to preserve the purity of elections," passed April 15, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of an act to "further amend the act entitled an act to preserve the purity of elections," passed April 15, 1857, shall read as follows:

Sec. 6. Nothing in this act contained, so far as the same relates to the length of time required of the voter to reside in the township or ward where he offers to vote, shall be held, taken, or construed, to apply to any voter who is the head of a family, who shall bona fide remove with his family from one ward to another within the corporate limits of any city within this state, or shall remove from one township to another within the same county, or shall remove from a ward of a city to a township within the same county, or shall remove from a township to a ward of a city within the same county: Provided that a voter, the head of a family, removing from any township in this state to any ward within the corporate limits of a city in the same county, shall not have the right to vote at a municipal election in such city unless he shall have resided in such city twenty days prior to such election.

Removal of
voter.

Sec. 2. That section six of the above recited act be and the same is hereby repealed.

Sec. 3. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.

ROBERT C. KIRK,
President of the Senate.

Passed February 8, 1861.

AN ACT

Fixing the times of holding certain terms of the district court for Madison, Franklin and Pickaway counties; and also certain terms of the court of common pleas of Madison and Franklin counties for the year 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the district court for the following counties of the fifth judicial district shall be held at times following during the year 1861, to-wit: In the county of Madison on the seventh day of May; in the county of Franklin on the ninth day of May; and in the county of Pickaway on the sixteenth day of May.

District.

Sec. 2. That the second term of the court of common pleas of Franklin county, in the year 1861, shall commence on the twentieth day of May; and that the second term of the court of common pleas of Madison county in said year shall commence on the twenty-fourth of June.

Common Pleas

Sec. 3 This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.

ROBERT C. KIRK,
President of the Senate.

Passed February 15, 1861.

AN ACT

To amend section seven of "an act to provide for the organization of the General Assembly," passed February 9, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the act entitled "an act to provide for the organization of the general assembly," passed February 9, 1853, be amended so as to read as follows:

Election of
officers.

Sec. 7. So soon as all the members elect present shall have taken the oath or affirmation aforesaid, if there shall be a quorum, they shall proceed to the election of a speaker, a clerk and two assistants, a sergeant-at-arms and two assistants, and no additional officer shall be elected or appointed in either branch of the general assembly during the first two weeks of the session, and none after that time unless upon the application of either the clerk or the sergeant-at-arms, in which they shall state the additional number they deem necessary; and if either branch shall pass a resolution that such additional clerk or clerks, sergeant or sergeants-at-arms, are necessary, then such branch, passing such resolution, may proceed to the election of such additional clerk or clerks, sergeant or sergeants-at-arms, or may, by resolution, provide for the appointment of such additional clerk or clerks by the chief clerk, or of such additional sergeant or sergeants-at-arms by the sergeant-at-arms, and may also provide that the chief clerk or sergeant-at-arms may dismiss such additional assistants when their services may be no longer necessary, or when they do not perform their duties in a satisfactory manner: Provided, further, that either branch authorizing such additional assistants shall have the power to dismiss any such additional clerk or sergeant-at-arms appointed as provided in this section.

Sec. 2. That original section seven of the act to which this is amendatory be and the same is hereby repealed. This act to take effect and be in force from and after the first day of January A. D. 1862.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 16, 1861.

AN ACT

Supplementary to the act entitled "an act to authorize associations of persons for carrying freight on any of the navigable waters of the State of Ohio, and the lakes and navigable rivers bordering thereon," passed April 2, 1859.

Stock may be
increased or
diminished.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a majority of two-thirds in interest of the stockholders in any of the associations authorized in the act to which this is supplementary, shall desire it, the amount of capital stock specified in the certificate required by section two of the act to which this is an amendment may be increased or diminished at the instance of the directors of any company which has been formed, or may hereafter be formed, under said act, upon the filing by said directors with the secretary of state of a certificate setting forth such increase or

diminution, which certificate shall be signed by all of said directors, and acknowledged before a justice of the peace or notary public: Provided the amount of such capital stock shall not be reduced below two thousand dollars; and provided further, that the reduction of the capital stock of any such company shall not affect the liability of the company, or any stockholder thereof, upon the indebtedness of such company existing prior to such reduction.

Minimum.

Sec. 2. This act shall take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 19, 1861.

AN ACT

To amend section seven of an act for opening and regulating roads and highways, passed January 27, 1853.

Sw. & Cr. 1291

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of the above recited act be amended so as to read as follows: That the surveyor shall survey the said road, under the direction of the viewers, and cause the same to be conspicuously marked throughout, noting the courses and distances; and at the end of each mile shall cause the number of the same, and also the commencement and termination of said road or survey, to be marked on a tree, or monument erected for that purpose; he shall also make out and deliver to one of the viewers, without delay, a correct certified return of the survey of said road, and a plat of the same; and the viewers shall make and sign a report in writing, stating their opinion in favor or against the establishment or alteration of such road, or any part thereof, and set forth the reasons of the same; which report, together with the plat and survey of said road, or alteration, shall be delivered to the county auditor by one of the viewers, on or before the first day of the session of the commissioners then next ensuing. And it shall be the duty of the commissioners, on receiving the report of the viewers aforesaid, to cause the same to be publicly read on two different days of the same meeting; and if no legal objection shall be made to them for review of said road, or any part thereof, or alteration, and they are satisfied that such road, or any part thereof, if the same be capable of division, will be of public utility, and the report of the viewers being favorable thereto, and that no damages have been claimed or assessed, they shall on the third day of the session cause said reports, survey and plat, to be recorded; and from thenceforth, said road shall be considered a public highway, and the commissioners shall issue their order to the trustees of the proper township or townships, directing said road to be opened; but if the report of the viewers be against such proposed road, or alteration, or if in the opinion of the commissioners the same shall be unnecessary, then no further proceedings shall be had thereon, and the obligor or obligors, in the bond securing the expenses, shall be liable for the full amount of

Survey—how made

Report of viewers.

Proceedings before commissioners.

such costs and expenses ; *Provided*, that in all cases where any oath or affirmation is required to be taken by any person under the provisions of this act, the same may be administered by the surveyor, or by one of the viewers or reviewers, who have been previously sworn or affirmed themselves.

SEC. 2. That section seven be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from its passage.

RICHARD O. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 12, 1861.

AN ACT

For the relief of all institutions for the purpose of promoting education, which have or may hereafter become bodies corporate under the act entitled "an act to enable the trustees of colleges, academies, universities, and other institutions for the purpose of promoting education, to become bodies corporate," passed April 9, 1852; and the act amendatory thereto, passed March 11, 1853.

Individual
liabilities of
stockholders--
proportion of
each.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the stockholders of any college, academy, university, seminary, or other institution for the purpose of promoting education, heretofore incorporated, or that may hereafter become incorporated under the provisions of the acts named in the title to this act, are or shall become individually liable for the debts of said corporation, the proportion that each stockholder shall be required to pay to meet the debts and liabilities of said corporation, may be determined and collected in the manner provided by this act.

Trustees to
call meeting of
stockholders.

SEC. 2. The trustees of any such corporation desiring to avail themselves of the provisions of this act, shall call a meeting of the stockholders, for the purpose of determining what amount of the indebtedness of such corporation shall be paid by each stockholder; and they shall give thirty days notice to the stockholders, in writing, or by publication in some newspaper of general circulation in the county where the corporation is located, of the time, place and purpose of the meeting.

Detailed state-
ment.

SEC. 3. At such meeting, there shall be a detailed statement submitted by the said trustees, showing the assets and indebtedness of the corporation.

How propor-
tion of each
stockholder
determined.

SEC. 4. A majority in interest of the stockholders present at such meeting, may determine what amount of the indebtedness of such corporation shall be paid by each stockholder, and fix the time or times and mode for the payment of the amount of money assessed against each stockholder of such corporation; provided that the provisions of this act shall not interfere with or abridge the right of any creditor of such corporation to sue for and collect from any stockholder the amount for which he may be liable as such stockholder, under the 9th section of the act entitled "an act to enable the trustees of colleges, academies, universities, and other institu-

tions for the purpose of promoting education, to become bodies corporate," passed April 9, 1852.

Sec. 5. Said assessment shall be pro rata upon the stock subscribed by each stockholder, and in no case shall exceed the amount for which each stockholder is or may be liable by law.

Assessment to be pro rata.

Sec. 6. Any stockholder failing to pay as required by said assessment, the amount so assessed against said stockholder, shall be liable, in a civil action, to be brought in the name of such corporation, for the recovery thereof, as in other cases of indebtedness.

Where stockholder fails to pay.

Sec. 7. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 20, 1861.

AN ACT

To repeal the first section of an act entitled an act to provide for the election of electors of president and vice-president of the United States, passed and took effect February 15, 1820.

Sw. & Cr. 522.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of an act entitled an act to provide for the election of electors of president and vice-president of the United States, passed and took effect February 15, 1820, be and the same is hereby repealed.

Sec. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 21, 1861.

AN ACT

To provide for the compensation of the Commissioners appointed by the State of Ohio, to meet with other States at Washington City, February 4, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners appointed by the governor and senate of the state of Ohio, on the 31st day of January, A. D. 1861, to meet at Washington city with commissioners from others of the United States, shall be entitled to receive eight dollars per day each for their services while so employed; and for their time and expenses in going to and returning from the place of meeting, the sum of one hundred dollars each; for the payment of which there is here-

by appropriated out of any money in the treasury for general revenue purposes, the sum of three thousand dollars.

Sec. 2. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 26, 1861.

AN ACT

Sw. & Or. 63. To amend section three and section six of an act for the encouragement of agriculture, passed February 26, 1846.

Report of
county societies
to State
Board.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act be amended so as to read as follows: It shall be the duty of each county or district society to publish annually a list of awards and an abstract of the treasurer's account in a newspaper of the district; and to make a report of their proceedings during the year, and a synopsis of the awards for improvements in agriculture and household manufactures, together with an abstract of the several descriptions of these improvements, and also make a report of the condition of agriculture in their county or district; which reports shall be made out in accordance with the rules and regulations of the Ohio state board of agriculture, and shall be forwarded to the state board at their annual meeting in January in each year; and no subsequent payment shall be made from the county treasury unless a certificate be presented to the auditor, from the president of the state board, showing that such reports have been made.

Annual meeting
of the
State Board.

Sec. 2. That section six be amended so as to read as follows: There shall be held in the city of Columbus on the first Wednesday after the first Monday in January, an annual meeting of the Ohio state board of agriculture, together with the president of each county agricultural society, or their delegate therefrom duly authorized, who shall for the time being be ex officio members of the state board of agriculture, for the purpose of deliberation and consultation, as to the wants, prospects, and condition of the agricultural interests throughout the state; and at such annual meeting the several reports from the county societies shall be delivered to the president of the Ohio state board of agriculture, and the said president and delegates shall at this meeting, elect suitable persons to fill all vacancies in the Ohio state board of agriculture.

Sec. 3. That sections three and six be and the same are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 20, 1861.

AN ACT

For the protection of bees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall steal any hive, box, bee-palace, or other contrivance containing honey, or honey-bees, the property of another, of less value than thirty-five dollars; or if any person shall steal honey from any such hive, box, bee-palace, or other contrivance as aforesaid; or if any person shall wilfully and maliciously disturb, injure, or destroy any such hive, box, bee-palace or other contrivance, containing honey, or honey-bees, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one hundred dollars, and shall be confined in the jail of the county not less than ten nor more than thirty days, and pay the costs of prosecution, and shall moreover be liable to the party injured, in double the value of the property stolen, injured, or destroyed. Penalty for stealing bees or honey.

Sec. 2. All prosecutions under the provisions of this act, shall be in the name of the state of Ohio, and may be brought before any justice of the peace in the county where the offense was committed, who shall proceed to judgment and final sentence, unless the defendant or defendants shall demand a trial by jury, in which case such justice shall sit as an examining court only, and discharge, recognize, or commit to jail as in prosecutions for other minor offenses. Prosecutions &c.

Sec. 3. All fines and penalties collected under the provisions of this act shall be forthwith paid into the treasury of the township where the offense was committed, for the use of common schools therein. This act shall take effect on its passage. Fines shall go to school fund.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 28, 1861.

AN ACT

Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when the inhabitants of any incorporated village for special purposes, or of any part thereof, shall desire to become an incorporated village for general purposes, they may apply by petition in writing to the county commissioners of the proper county, signed by the inhabitants so applying, to be in number not less than a majority of the qualified voters, which petition shall describe the territory proposed to be embraced in such incorporated village, and have annexed thereto an accurate map or plat thereof, shall state the name proposed for such incorporated village, and shall also name the person or persons authorized to act in behalf of the petitioners in prosecuting said petition. Proceedings to become incorporated village for special purposes.

Same.

Sec. 2. When any such petition shall be presented to the said county commissioners, they shall cause the same to be filed, and like proceedings shall be had for the hearing and determination thereof as are prescribed by the third, fourth, fifth, sixth, seventh and eighth sections of the act to which this is supplementary: Provided, that whenever any such petition may have heretofore been presented, and the proceedings herein provided shall have been had for a hearing, it shall be lawful for the county commissioners to hear and determine the same as herein provided; and the same shall be subject to a like review.

Separation of general from special corporation.

Sec. 3. If the incorporated village for general purposes does not include the whole of the territory of the incorporated village for special purposes, the county commissioners shall fix the terms and condition of the separation, and whether the incorporated village for special purposes shall continue to exist, and if so the name by which it shall be known.

Annexation.

Sec. 4. When the inhabitants of any part of an incorporated village for special purposes contiguous and adjoining to any city or incorporated village for general purposes, shall desire to be annexed to such city or incorporated village, the mode of proceeding shall be as provided in ninth, tenth, eleventh and twelfth sections of the act to which this is supplementary: Provided, that before submitting the question of annexation, the trustees or council of each corporation shall arrange the terms and conditions of the annexation.

Sec. 5. This act shall take effect upon its passage.

RICHARD O. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 28, 1861.

AN ACT

Extending the time for making reports by school boards, in certain cases.

Preamble.

WHEREAS, the boards of education of the towns and townships hereinafter named, to wit: Brecksville, Solon, Chagrin Falls, Bedford township and Bedford village, in the county of Cuyahoga; Genoa, in the county of Delaware; Huron, in the county of Erie; Addison, Greenfield, Raceoon and Springfield, in the county of Gallia; Darby, in the county of Madison; Malta, in the county of Morgan; Jefferson, in the county of Noble; Congress, in the county of Wayne; and Liberty, in the county of Wood, have each failed to make report to their several county auditors, of enumeration, statistics, etc., in manner and form and within the time, as required of them by the 19th section of the "act to provide for the re-organization, supervision and maintenance of common schools," to entitle them to share in the distribution of public school funds; Therefore,

Extension of time to 10th of April.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time fixed by law for making reports by school boards, so far as relates to the several boards hereinbefore named,

be and the same is hereby extended to the tenth day of April next. And the auditors of the respective counties in which the said delinquent school boards are severally located, upon the filing in the office of each of said auditors, by the said school boards, of the report required of them by the said 19th section of the school law, within the time prescribed in this act, are hereby authorized and required to draw orders upon their county treasuries in favor of said township or town school board, as the case may be, for the proportion of school funds due them; and it is hereby made the duty of the several county treasurers thus drawn upon to pay the said orders the same as though the original section 19 of the school law had been duly complied with.

Sec. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 1, 1861.

AN ACT

Relating to cities of the first class having a population less than eighty thousand.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of city improvements shall be composed of the mayor, the city civil engineer, the chairman of the committee on streets, of the city council, and one street commissioner, who shall be elected on the first Monday of April next, and biennially thereafter, who shall hold his office for two years, and until his successor is elected and qualified. The said board shall have the same power and perform the same duties as now devolve upon the city commissioners and the board of city improvements, and the office of city commissioners to said cities is abolished: provided, that the city commissioners now holding office, shall continue in office and discharge the duties thereof until the first Monday of April next, and until the board of city improvements, as herein constituted and provided, shall be appointed and qualified.

Board of city improvements

Office of city com. abolished.

Sec. 2. The directors of the infirmary shall consist of the chairman of the committee on infirmary, of the city council, the superintendent of infirmary, who shall be appointed as is now provided in such cities, and one infirmary director, who shall be elected on the first Monday of April next, and biennially thereafter, who shall hold his office for two years, and until his successor is elected and qualified: Provided, that the directors of infirmary now in office, shall hold the same and discharge the duties thereof until the first Monday of April next, and until said board, as herein constituted and provided, shall be appointed and qualified, and not longer.

Directors of infirmary.

Sec. 3. The city council, for the purpose of paying any floating indebtedness of such city, heretofore incurred, shall have the power to issue the bonds of such city, and borrow money thereon, which bonds may be in such amounts and for such length of time, not exceeding twelve years, and at such rate of interest, as such city council may deem proper, not to exceed seven per centum per annum; and when such bonds shall have been issued, a tax shall be assessed

Issue of bonds to pay floating debt.

and collected, sufficient in amount to provide a sinking fund for their final redemption, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852: Provided, that said bonds shall not be sold at less than their par value, and that the whole amount of the bonds issued under this section, shall not exceed the sum of one hundred thousand dollars.

Limitation.

Sec. 4. This act shall only apply to such cities of the first class having a population less than eighty thousand inhabitants, as are of that class at the time it takes effect.

Sw. & Cr. 1542

Sec. 5. That sections five and six of an act passed April 5, 1856, to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts, be and the same are hereby repealed.

Sec. 6. This act shall take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 1, 1861.

AN ACT

Supplementary to the "act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859.

Priority of labor or operative.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person who shall have performed any labor as an operative in the service of any person or corporation who shall hereafter assign property in trust for the benefit of creditors, shall be entitled to receive out of the trust fund, where the same is insufficient to pay all debts of the assignor, the full amount of the wages due to such person for such labor, not exceeding one hundred dollars: Provided, that such labor shall have been performed within six months immediately preceding the assignment.

Sec. 2. This act shall take effect upon its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 6, 1861.

AN ACT

Sw. & Cr. 1375

To amend section twelve of an act entitled "an act for the better regulation of the public schools in cities, towns, etc.," passed February 21, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twelve of said act be so amended as to read as follows:

Sec. 12. It shall be the duty of said board to keep said schools

in operation not less than thirty nor more than forty-four weeks of each year, to determine the amount of the annual tax to be raised for the purpose aforesaid, including all the necessary expenses of said schools, except for the erection of school houses and the purchase of sites; and on or before the first day of July of each year, to make known the amount of such tax to the auditor of the county in which said district is situate, and thereupon it shall be the duty of said auditor to assess the same upon the taxable property of the said district as the same appears on the grand list in his office, and the said tax shall be collected by the county treasurer in the same manner and at the same time with the state and county taxes, and, when collected, shall be paid over to the treasurer of said board: Provided, however, that the tax to be assessed under this section shall not exceed four mills on the dollar upon the taxable property of said district, as the same appears upon the grand list; provided, further, that in case the amount so authorized to be raised, together with the other school moneys of said district, shall be insufficient to support said schools for the portion of the year mentioned in this section, that said board of education may require such sum as may be necessary to support the same for the residue of said time, to be charged at the discretion of said board upon the tuition of the pupils attending such schools: Provided, however, that the children of indigent parents, or orphans who are unable to pay such charges, shall not be excluded from said schools for the non-payment of the same; and it shall be the further duty of said board to keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and at the annual meeting for the choice of directors in said district, to make report of such receipts, and the sources from which the same were derived, and of said disbursements and the objects to which the same were applied; and they shall also make report at the same time of such other matters relating to said schools as they may deem the interest of the same to require.

How long schools to be kept in each year.

School tax—how levied and collected.

Additional charge.

Annual report of board.

Sac. 2. And be it further enacted, that said section twelve be and the same is hereby repealed.

Sac. 3. This act to take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 6, 1861.

AN ACT

Requiring justices of the peace to deliver to successors in office certain dockets, statutes and papers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every justice of the peace, or other person who shall refuse to deliver up any docket, papers, files, laws or statutes, as provided in section 206 of the act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts," passed March 14, 1853, shall be deemed

Penalty for failure to deliver over to successor, etc.

guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding two hundred dollars, or imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,

Passed March 6, 1861.

President of the Senate.

AN ACT

To regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto.

Sale of ministerial lands, or permanent leases thereto surrendered.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all those lands granted by the Congress of the United States for religious purposes, known as section twenty-nine, may be sold, or the permanent leases thereto surrendered; and that said sale or surrender shall be regulated by, and conducted according to, the provisions of an act to regulate the sale of school lands, and the surrender of permanent leases thereto, passed April 16, 1852.

Sale or surrender of permanent leases for certain lands.

SEC. 2. That section sixteen, donated and set apart for the support of schools, and section twenty-nine, for the purposes of religion, or lands granted in lieu of either, by the directors of the Ohio Company on the 7th day of January, A. D. 1796, in the following original surveyed townships within the Ohio Company's purchase, to-wit: township number eight, in range number twelve; township number seven, in range number thirteen; township number eleven, in range number fourteen; township number thirteen, in range number fifteen; and townships number eight, nine, ten, eleven, twelve, and thirteen, in range number sixteen; may be sold, or the leases thereto—whether permanent or otherwise—surrendered; and that said sale or surrender shall be regulated by, and conducted according to, the provisions of the act referred to in the first section of this act; and the lessees of any of said lands holding leases for any term less than ninety-nine years, shall be permitted to surrender their said leases in the same manner, and be entitled to all the benefits of the said act, as if their said leases were for ninety-nine years.

SEC. 3. This act to be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,

Passed March 9, 1861.

President of the Senate.

AN ACT

Requiring county auditors to make returns to the auditor of state of the amount of fees received by county officers.

County officers to return amount of fees to county auditor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That [it] is hereby made the duty of each county treasurer, recorder, sheriff, prosecuting attorney, and clerk of the court of

common pleas of this state, to make returns under oath to the county auditor of their respective counties, on the first Monday of September of each year, of the amount of fees and moneys received by them, or due them, during the year next preceding the time of making such return.

Sec. 2. That it shall be the duty of each county auditor of this state, on or before the first Monday of October in each year, to make a certified statement to the auditor of state, of the amount of fees and moneys received or due the county treasurer, recorder, sheriff, prosecuting attorney, and clerk of the court of common pleas, and also a like statement verified by his affidavit, of the amount received by or due him.

Statements of county auditors to auditor of state.

Sec. 3. That the auditor of state, in his annual report to the governor, shall include an abstract of the statements made by the respective county auditors as provided for in the preceding sections.

Abstract of same to be made in auditor's annual report.

Sec. 4. That if any officer named in section one of this act shall neglect to make returns as therein directed, he shall forfeit and pay to the treasurer of the proper county, for the use of common schools in said county, the sum of two hundred dollars for every such neglect; and it shall be the duty of the prosecuting attorney of such county to collect, in the name of the state of Ohio, from the clerk of the court of common pleas, sheriff, treasurer and recorder, all delinquent penalties under this act, and pay the same over to the treasurer of the proper county; and if the prosecuting attorney shall fail to pay over to the said treasurer the penalty by him forfeited under the provisions of this act, it shall become the duty of the court of common pleas to appoint one of the attorneys of said court to prosecute and collect from the said prosecuting attorney, in the name of the state of Ohio, the said delinquency, and pay the same over to the said treasurer.

Penalty for neglect of duty.

Sec. 5. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 9, 1861.

AN ACT

Making partial appropriations for the year 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, be and the same are hereby appropriated out of any money in the treasury for general revenue purposes, for the year 1861: For the per diem pay of the lieutenant governor, as president of the senate, the payment of members of the general assembly, their clerks, assistant clerks, sergeants-at-arms and their assistants and messengers, the sum of thirty thousand dollars; for the contingent fund of the school commissioner, two hundred dollars; for the payment of guards of the Ohio penitentiary, two thousand dollars; for the messenger and librarian of the supreme court, six hundred dollars; for the state board of agriculture, being balance of proceeds of

Appropriations.

General Assembly.

Other objects.

show licenses and escheated lands for the year 1860, four hundred and sixty dollars and eighty-four cents; for the purchase of Ohio state reports, under existing laws, seven hundred dollars; for the payment of David L. Wood for services as armorer from March 1, 1860, to March 1, 1861, one dollar and fifty cents per day for all time actually employed.

Sec. 2. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 14, 1861.

AN ACT

Supplementary to the act defining the duties of coroners.

Sw. & Cr. 631. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five of the act entitled "an act regulating the fees of witnesses in civil and criminal cases," passed March 16, 1852, be so amended as to read as follows: Sec. 5. In all cases where a physician or surgeon shall make a post mortem examination, at the instance of the coroner or other officer, such physician or surgeon shall be allowed such compensation as the court of common pleas may direct; and it shall be the duty of the coroner or other officer at whose instance such examination is made, to report to the court the time occupied, and the nature of the services rendered in making such examination; upon which it shall be the duty of the court to make such allowance.

Fees of physician for post mortem examination.

Sec. 2. That section five of an act regulating the fees of witnesses in civil and criminal cases, passed March 16, 1852, be and the same is hereby repealed.

Sec. 3. This act to take effect from and after its passage.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed March 8, 1861.

AN ACT

Supplementary to an act entitled "an act for opening and regulating roads and highways," passed January 27, 1853.

Appointment of viewer to fill vacancy. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in case any person appointed as viewer or reviewer on any road by the commissioners of the county, or probate judge, shall be unable to attend on the day specified in the order or within five days thereafter, it shall be the duty of the surveyors and viewers present, to fill the vacancy by appointment of a judicious, disinterested freholder of the county, who shall be required to take the same oath, and be vested with the same power, and do and per-

form the same duties as if he had been appointed by the commissioners or probate judge.

Sec. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 12, 1861.

AN ACT

Making appropriations of the sinking fund for the year 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated, from any moneys in the treasury, and that may come into the treasury, belonging to the sinking fund, in addition to former appropriations: For the payment of the interest on the foreign and domestic funded debt of the state, the sum of eight hundred and thirty thousand dollars; for the payment of the interest on the irreducible debt or trust funds held by the state, the sum of one hundred and seventy thousand dollars; for the payment of the principal of the funded debt of the state, the sum of two hundred and fifty thousand dollars, and any further sum that may come into the treasury, applicable to that purpose; for the payment of the necessary expenses of the New York agency, including the salary of the agent of the state, and office rent, the sum of three thousand five hundred dollars; for the payment of the necessary expenses of the office of the commissioners of the sinking fund at the seat of government, including the salary of the clerk, the sum of fifteen hundred dollars; for the payment of the necessary expenses of the commissioners of the sinking fund in paying the interest and principal of the foreign debt in the city of New York, the sum of fifteen hundred dollars; for the contingent fund of the board of commissioners of the sinking fund, the sum of five hundred dollars.

Appropriation.

For payment of state debts, expenses N. Y. agency, &c., &c.

Sec. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 12, 1861.

AN ACT

To amend "an act supplementary to an act for the inspection of certain articles therein enumerated, passed March 9, 1831," passed February 17, 1857. Sw. & Cr. 730.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above-named act be so amended as to contain the following [additional] sections: Sec. 3. It shall be the duty of all manufacturers of soap and candles in the state of Ohio, to mark

Weight of soap
and candles
and name of
manufacturer
to be marked
upon box.

upon each package or box of such manufactured articles offered for sale, the name of the manufacturer, and the net weight avoirdupois of the contents of the same, in legible letters and figures; and any manufacturer neglecting or refusing to comply with the provisions of this section, or who shall put in any such box or package a less quantity than is marked or branded thereon, shall be fined for every such offence the sum of one dollar, and shall be liable for the costs of prosecution. Sec. 4. All fines collected under the provisions of section three shall be paid into the county treasury, for the benefit of the poor.

Sec. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed February 1, 1861.

AN ACT

Sw. & Cr. 1297
and 1298.

To amend sections 32 and 35 of an act entitled "an act for opening and regulating roads and highways," passed January 27, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 32 of the above recited act be so amended as to read as follows:

Viewers report
and proceed-
ings thereon.

Sec. 32. That the viewers shall make a report in writing to the trustees, setting forth their opinions in full for or against the establishment of such road, together with a statement of the damages, if any, assessed to each person through whose land the road is proposed to be established, which report, together with a return of the survey and plat of said road shall be deposited with the township clerk, who shall notify the trustees thereof, whereupon the trustees shall, at their next meeting, cause said report to be read, and if the same be in favor of establishing said road, and the trustees deem it reasonable and just, they being satisfied that the damages, if any, have been claimed and assessed, have been paid or secured to be paid by the petitioner or petitioners, the clerk of the township shall enter said report on record. And the trustees shall issue their order to the petitioner or petitioners, or any of them, to open said road thirty feet wide, and from thenceforth the road shall be considered a private or township road, subject to be kept open and in repair at the expense of the applicant or applicants for the same: Provided, however, that any township road which commences in a state, turnpike or county road, and passes on and intersects another state, turnpike, county or township road, shall be opened and be kept in repair by the supervisor, in whose district any such township road may be situated, in whole or in part, and it shall be the duty of the supervisor to cause so much labor to be performed by those persons living within his district liable to perform labor on the public highways to be applied to opening or keeping such township road in repair as he may deem reasonable; and the costs of the view and survey of such road shall be paid out of [the] township treasury; but if the viewers shall report that the prayer of the petitioner or

petitioners is unreasonable, and ought not to be granted, no further proceedings shall be had thereon by said trustees, and all costs accruing under the provisions of this section shall be paid by the person or persons making application for such road, except as hereinbefore provided.

Sec. 2. That section thirty-five of the above recited act be so amended as to read as follows:

Sec. 35. That whenever any township road shall become useless, any one or more residents of the township may, after giving the same notice required in the thirtieth section of this act, petition the trustees to vacate such road, and if the trustees shall be satisfied that the proper notice has been given, and no injustice will be done thereby, they shall, at their next regular meeting, declare the same vacated, and give notice thereof to the township clerk, who shall enter the same on the records of the township: Provided, however, that any person in the township feeling aggrieved, shall have a right to appeal from the final decision of said trustees to the probate court in like manner as set forth in the thirty-third section of the above recited act. How township road vacated.

Sec. 3. That the thirty-second and the thirty-fifth sections of the above recited act, to which this is an amendment, be and the same are hereby repealed.

Sec. 4. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 7, 1861.

AN ACT

To enable purchasers of lands in the Scioto Salt Reserve, in Jackson county, to obtain deeds.

WHEREAS, It was provided by section ten of the act of the general assembly of the state of Ohio, passed February 7th, A. D. 1826, entitled "an act to provide for the sale of the salt reservations belonging to the state of Ohio," that the agents appointed under said act, when the first installment of purchase money should be paid for lands sold by them, should give to each purchaser a certificate of purchase, setting forth certain facts in said section named; and on final payment being made, that such agents should give to the purchaser a certificate stating the name and residence of the purchaser, the date of the purchase, the tract, quantity, price per acre, the amount of the purchase money and interest which had accrued, and that the same had been fully paid; and that on presentation of such final certificate to the governor, the purchaser should be entitled to receive a deed for the tract purchased, which the governor was thereby authorized to execute under the seal of the state, and which should be signed by the governor and countersigned by the secretary of state; the said deed to vest in the purchaser an indefeasible estate in fee simple; and, whereas, by an act of said general assembly, Preamble.

bly. passed March 22, 1860, entitled "an act to abolish the office of agent to superintend the sale of the lands belonging to the Scioto Salt Reserve, in Jackson county, and for other purposes," the said office of agent, in Jackson county, was abolished, without making provision for issuing the certificates authorized by said section ten of the act of February 7, 1826, to purchasers of said lands who had not received the same; now, therefore,

When payment may be made to treasurer of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where purchasers of any of said Scioto Salt Reserve lands have not made full payment, and obtained final certificates as provided in said section ten, before the abolition of the office of the agent aforesaid, it shall be lawful for such purchasers, their heirs or assigns, to make such payment to the treasurer of state, who shall give a receipt therefor.

Governor to make deed upon certificate of auditor of state.

SEC. 2. Whenever the auditor of state shall be satisfied, from the books and papers in his office, or from the report of the commissioner appointed under said act of March 22, 1860, in pursuance thereof, or from the certificate of such commissioner, of facts evidenced by the books and papers in his hands, or that such full payment has been made to him prior to the passage of this act, or from the receipt of the treasurer of state, or other competent evidence, that full payment of the purchase money for any of said Scioto Salt Reserve lands has been made by the purchasers thereof respectively, or their heirs or assigns respectively, he shall make and deliver to such purchasers respectively, or their heirs or assigns respectively, a certificate showing that such payment has been made; and on presentation of any such certificate to the governor, he shall execute and deliver to the proper holder thereof a deed for the tract or tracts so paid for as aforesaid, the said deed to be executed under the same formalities, and to have the same effect as is provided in said section ten of the act of February 7, A. D. 1826.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 14, 1861.

AN ACT

Defining the jurisdiction of the probate courts of Shelby and Geauga counties in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the provisions of an act entitled "an act defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton, and Columbiana," passed April 4, 1859, and the acts amendatory thereto, be and the same are hereby extended to the counties of Shelby and Geauga.

SEC. 2. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 15, 1861.

AN ACT

To enable the people of the townships of Miami and Bath, in Greene county, to make the Yellow Springs and Fairfield turnpike road a free road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever a majority of the legal voters in the townships of Miami and Bath, in Greene county, or a majority of the taxpayers in said townships, shall make known to the county commissioners of Greene county their consent, that the sum of twenty-five hundred dollars shall be collected, by taxation upon the taxable property within said townships, for the purpose of making the Yellow Springs and Fairfield turnpike road a free turnpike road, and the directors of said turnpike road shall give their assent to surrender said road to the public use as a free road, for the sum herein provided to be raised by taxation, it shall be the duty of said county commissioners to levy a special tax equally upon all the property in said townships of Miami and Bath, at such rate as shall produce a sum not exceeding twenty-five hundred dollars, and as near that sum as practicable, which sum shall be collected by the county treasurer, at the same time and in the same manner as taxes for state and county purposes are collected; and when so collected, the same shall be paid over, by the order of said county commissioners, to the directors of said turnpike road, and thereupon they shall declare said turnpike road to be a free public highway.

Sec. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 16, 1861.

AN ACT

To provide for the collection of certain taxes therein specified.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the taxes for railroad purposes authorized by law to be levied by the commissioners of Guernsey county upon the property within that portion of Noble county which formerly belonged to Guernsey, with such of said taxes as now remain uncollected upon the tax duplicate of said Guernsey county, shall be certified by the auditor of Guernsey county to the auditor of Noble county, and by him placed upon the tax duplicates of the proper townships, and the same shall be collected by the treasurer of Noble county at the same time and in the same manner that state and county taxes are now collected, and by the treasurer of Noble county paid over to the treasurer of Guernsey county, immediately after his semi-annual settlement with the county auditor.

Railroad taxes within specified limits.

Sec. 2. The auditor and treasurer of Noble county shall be entitled to the same compensation under this act that they receive for like duties, and shall be liable to the same penalties as are fixed by Fees, etc.

law in the collection and disbursement of state and county taxes, said fees to be paid out of the taxes herein mentioned.

Sec 3. This act to take effect and be in force from its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 19, 1861.

AN ACT

Regulating the presentation of claims against the state.

Claim to be
verified by
affidavit.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon any claim being presented against the state, for work and labor performed, or materials furnished, when no specific provision has been made by law or contract, fixing the value thereof, before payment, the party to whom such claim may be due, or his agent, shall produce satisfactory vouchers in support thereof, and verify the same by affidavit, showing that such claim is justly due, that no payments have been made thereon, that there are no offsets against the same, and that the sum or sums claimed are no more than the actual value of the labor performed, or materials furnished.

Seco. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 20, 1861.

AN ACT

Regulating the duties of surviving partners.

Inventory of
assets and lia-
bilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person in the state of Ohio shall die, who, at the time of his death, was a member of any partnership in the state of Ohio, it shall be the duty of the surviving partner or partners, within thirty days from the death of such deceased partner, to make application to the probate judge of the county in which said partnership shall have existed, and upon first giving notice to the administrator or executor of such deceased partner of such application, for the appointment of three appraisers, whose duty it shall be to make out, under oath, a full and complete inventory and appraisement of the entire assets and liabilities of such partnership, and forthwith deliver the same to the said probate judge, to be by him filed, but not recorded in his office.

Same.

Seco. 2. That if the said surviving partner or partners shall neglect or refuse to have an inventory and appraisement made of the partnership assets and liabilities, as provided for in the first section of this act, it shall be the duty of the administrator or executor of such deceased partner, to have said inventory and appraisement made, in accordance with the provisions of the first section of this act.

Sec. 3. It shall be lawful for the surviving partner or partners, with the consent of the administrator or executor, and the approval of the probate court by which such administrator or executor may have been appointed or qualified, to take the assets of such partnership at the appraised value thereof, first deducting therefrom the debts and liabilities of such partnership, and upon his or their giving to the administrator or executor of such deceased partner his or their promissory note, with good and approved security for the payment of the interest of such deceased partner in said partnership assets in nine months from the time he or they shall so elect to take said partnership assets: and, provided further, that said surviving partner or partners shall give bond and security to the administrator or executor of such deceased partner, for the payment of the debts and liabilities of such partnership.

Surviving partner may elect to take assets.

Sec. 4. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 21, 1861.

AN ACT

Supplementary to an "act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act, it shall be lawful for any number of active firemen, not less than ten, being members of any regular fire company, or hose or hook and ladder company, in this state, to associate themselves together as a fireman's general relief association, having for its principal object the relief of firemen disabled while on duty, with the power also of donating as it may deem proper under such rules as may be established, to poor, sick firemen, and to the widows and orphans of deceased firemen.

Incorporation of firemen's general relief associations.

Sec. 2. That said active firemen, in number not less than ten, shall first indicate their intention to form such association by signing their names to a paper declaring such to be their intention, and fixing therein a time and place for the election of officers and the taking of proper steps to perfect their organization as a body corporate under the provisions of this act.

Same.

Sec. 3. That said persons so signing said paper as aforesaid, in number not less than ten, may proceed, at the time and place designated, to select their corporate name, and to elect from their members a president, secretary, treasurer, and any number of their members, not less than three, to serve as trustees or directors, who shall hold their offices during the pleasure of the association.

Election of officers.

Sec. 4. That the secretary so appointed shall make out a true record of the proceedings of said meeting, incorporating therein the original paper provided for in section two of this act, and shall certify and deliver the same to the recorder of the county in which such meeting shall be held, together with the name by which such association shall desire to be known; and it shall be the duty of such county recorder, immediately upon the receipt of such certified state-

Certificate of incorporation to be recorded by county recorder.

ment, to record the same in a book of record to be kept by him, provided for that purpose by the commissioners of the county, for which record he may demand and receive the sum of ten cents per hundred words; and from and after such record being made, said persons and their successors, and their associated members, shall be invested with the powers, privileges and immunities incident to aggregate corporations, and a certified copy of the record herein authorized to be made by the county recorder shall be deemed and taken in all places and courts whatsoever in this state as evidence of the existence of such association or corporation.

Election, powers and duties of directors.

Sec. 5. The trustees or directors who may be elected as provided for in section three, and their successors in office, whether three in number or any larger number, as may be ordered by said body corporate, elected in such manner as may be ordered, either by the members of said body corporate in its aggregate capacity, or by the active firemen of each fire, or hose, or hook and ladder company, being members in good and regular standing in said body corporate, holding separate elections and electing such number of directors or trustees as said body corporate may decide and order, shall have perpetual succession by such name as may be designated, and by such name shall be legally capable of contracting, and of prosecuting and defending suits, and shall have capacity to acquire, hold, enjoy, dispose of and convey all property, real or personal, which it may acquire by purchase, contribution, donation, assessment upon its members, or otherwise, for the purpose of carrying out the intention of such body corporate; but it shall not acquire or hold property for any other purpose; and for the purpose of increasing its funds, it shall have the power of loaning its moneys upon bond and mortgage, under such rules and regulations as may be prescribed, and at an annual interest not exceeding six per cent. per annum.

General powers of incorporation.

Sec. 6. That such association or body corporate, when incorporated as herein provided for, shall have full power to make and establish such rules and by-laws for its government as it may deem best; to decide what officers it shall have, and to prescribe the times and manner of their elections; the trustees or directors to be elected, either by said corporation in its aggregate capacity, or by the members of each authorized fire company, hose or hook and ladder company, being members of said body corporate in good standing therein; to prescribe the powers and duties of its officers; to make all regulations for the relief of firemen disabled while on duty; to provide for such entrance fee for members, and such weekly, monthly or yearly assessment upon members as it may deem best; and to make such other rules, regulations and by-laws as may be necessary and expedient for the government and the management of its fiscal and other affairs, and to effect their respective objects.

Acceptance of this act by bodies already in existence.

Sec. 7. That any association or body corporate of not less than ten members, being active firemen, now existing in any of the cities in this state, whether acting under any special act of incorporation or otherwise, and having for its object the relief of firemen disabled while on duty, may, by the vote of a majority of members present, at any meeting called for the purpose of considering the question, accept the provisions of this act, and when so accepted and a certified copy of such acceptance shall be filed with the secretary of state, and another with the recorder of the county in which said association or body corporate shall exist, said association or body corporate shall cease to act under the provisions of any such special

Copy of such acceptance to be filed with secretary of state and county recorder.

act, and shall conform itself in its government, its powers and privileges to the provisions of this act.

Sec. 8. That any association or body corporate so accepting the provisions of this act, shall not thereby be prejudiced in the collection of any note, bond, bill or other evidence of debt due to it, but shall have the right to collect the same in as full and complete a manner as if it had not accepted the provisions of this act, suit being brought thereon in the corporate name of said body corporate.

Sec. 9. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 13, 1861.

AN ACT

To amend an act therein named.

Sw. & Cr. 1542

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of an act entitled "an act to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts," passed April 5, 1856, be so amended as to read as follows:

Sec. 4. That there may be appointed by the city council a city auditor, who shall hold said office for the term of two years, and until his successor shall be appointed and qualified; he shall have power to administer oaths and take affidavits, and shall also have such powers and perform such duties as are prescribed by law, or may be prescribed by any ordinance of the city not inconsistent with any act now in force and not incompatible with the nature of his office.

Appointment, term, and duties of city auditor.

Sec. 2. That section four of the act to which this is amendatory be and the same is hereby repealed: Provided, that this act shall only apply to such cities of the first class having a population less than eighty thousand as are of that class at the time this act takes effect.

Office of city clerk abolished.

Sec. 3. This act shall be in force and take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 21, 1861.

AN ACT

To amend section two of an act to regulate the sale of school lands and the surrender of permanent leases thereto.

Sw. & Cr. 1339

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of said act be so amended as to read as follows:

Sec. 2. In cases where there has been no vote taken for the sale

How vote to be taken.

of any such land, the trustees of any original surveyed township to which such lands may belong, shall, at least thirty days prior to the taking of any such vote, cause not less than eight notices to be posted up in as many of the most public places of such township, notifying the legal voters resident therein, to meet at some convenient place and time therein specified, and then and there cast their ballots for or against the sale of any such lands belonging to such township, and if such vote result in a refusal to sell said lands, the trustees may, in the same manner, authorize the taking of a subsequent vote or votes, as often as they may deem proper: Provided, that no such subsequent vote shall be taken until one year shall have elapsed since the last preceding vote.

Sec. 2. That section two of an act entitled "an act to regulate the sale of school lands and the surrender of permanent leases thereto," passed April 16, 1852, be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 21, 1861.

AN ACT

Regulating the office of county surveyors.

Term.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the official term of county surveyors shall commence on the first Monday of January succeeding their election, and continue for the term of three years, and until their successors are elected and qualified.

Sec. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 22, 1861.

AN ACT

Further to regulate and prescribe the duties of township assessors and county auditors.

Duties of assessor as to enumeration of insane, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the assessor of each township, town or ward, shall at the time of taking a list of chattel property for taxation, in each year, take an enumeration of all deaf and dumb, blind, insane or idiotic persons, whose usual place of residence shall be in any family, jail, or infirmary in his township, town, or ward, on the day preceding the second Monday of April, together with their names in full, their age and the durability of their muteness, blindness,

insanity, or idiocy, and shall make out a list of said deaf and dumb, blind, insane and idiotic persons, and the names of their parents or guardians, and post office address, designating those of each class, and return the same to the auditor of his county, on or before the third Monday of May in the same year.

Sec. 2. That it shall be the duty of the auditor of each county to furnish to each assessor of a township, town, or ward, in his county, such blanks as may be necessary for the aforesaid enumeration, and as soon as possible after the aforesaid statements are returned to him, shall make out and forward to the auditor of state a list of all the deaf and dumb, blind, insane and idiotic persons, with the names and post office address of their parents or guardians in said county.

Duties of county auditor.

Sec. 3. That any auditor of a county, or any assessor of a township, town, or ward, who shall neglect or refuse to perform any of the duties required of him by this act, shall forfeit and pay for every such offence a sum not exceeding one hundred dollars, which fines or penalties imposed by this section may be recovered by action in the name and for the use of the county.

Penalty for neglect of duty.

Sec. 4. This act shall take effect and be in force from and after its passage.

How recovered.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 26, 1861.

AN ACT

Supplementary to "an act making certain instruments of writing negotiable," passed February 25, 1820.

Sw. & Or. 862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all bonds, notes and bills, payable at a day certain after date or after sight, made negotiable by the act to which this is supplementary, shall be entitled to three days grace in time of payment.

What entitled to grace.

Sec. 2. That the demand of payment from the maker of any bond or note, or of the drawee of any bill of exchange on the third day of grace given aforesaid, and notice of non-payment thereof to the indorser of any such bond, note, or bill, and the drawer of any such bill within a reasonable time thereafter, shall be adjudged due diligence under the second section of the act to which this is supplementary, unless the indorsement shall express in writing other conditions: Provided, that when the third day of grace shall be the first day of the week, such demand shall be made on the next preceding business day.

Demand and notice—due diligence.

Sec. 3. That the following days, namely, the first day of January, the fourth day of July, the twenty-fifth day of December, and any day appointed or recommended by the governor of this state or the president of the United States, as a day of fast or thanksgiving, shall for all purposes whatsoever as regards the presentment for payment, or acceptance, and the protesting or giving notice of non-acceptance or of non-payment of all bonds, notes and bills, made negotiable by the act to which this is supplementary, and falling due after this act takes effect, be treated and considered as the

Holidays.

first day of the week: Provided, that when the first day of January or the fourth day of July, shall be the first day of the week, the succeeding Monday shall also, for the same purposes, be treated and considered as the first day of the week.

Act repealed.

Sec. 4. The act passed March 30, 1857, entitled "an act supplementary to an act making certain instruments of writing negotiable," passed February 25, 1820, be and the same is hereby repealed: Provided, that nothing in this act shall affect suits pending or rights acquired before this act takes effect.

Sec. 5. This act shall take effect on the second day of June, 1861.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 26, 1861.

AN ACT

Sw. & Cr. 85. To amend the act entitled "an act to provide for the election of township assessors, and to prescribe their duties," passed April 4, 1859.

May administer oath.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the assessors named in the act to which this is an amendment, are authorized and empowered, and it is hereby made their duty, to administer such oaths as are necessary in the discharge of their official duties.

Sec. 2. This act to be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 27, 1861.

AN ACT

Sw. & Cr. 766. To amend an act supplementary to an act to regulate the election and contest of election, and the resignation, of justices of the peace, passed March 11, 1853.

Election of justices and constables in townships within limits of city, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of an act supplementary to an act to regulate the election, contest of election, and the resignation of justices of the peace, passed March 11, 1853, be amended so as to read as follows: Section 1. That in all cases where the corporate limits of any city or incorporated village are now or hereafter may become co-extensive with the limits of any township in which said city or incorporated village is or shall be situated, and in which the township has been or may become merged in any city or incorporated village, the corporate existence of such township shall nevertheless continue for the purposes of electing their justices of the peace and constables for such township, who shall be voted for on the same piece of paper: Provided, that in cities of the first class, having a

population less than eighty thousand inhabitants, which are of that class when this act takes effect, the corporate limits of which are co-extensive with the township in which the same is situated, justices of the peace and constables for such township shall be voted for on the same ticket with officers for such city.

Sec. 2. This act shall be in force from its passage ; and section one of the act to which this is amendatory is hereby repealed.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 28, 1861.

AN ACT

To provide for the removal of obstructions from turnpikes and plank roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons whose fence shall be upon the limits of any turnpike or plank road, or if any person or persons shall erect a fence upon the limits of any turnpike or plank road in this state, or place within the limits of any such road any wood, stone, or other obstructions, other than permanent buildings already constructed, so as to interfere with the public travel upon such road, or shall prevent or interfere with the free passage of water in the side drains or ditches of such road, upon being notified by the president, director or superintendent of such road, to remove such fence or other obstruction, shall neglect or refuse to comply with such requirements, within ten days from the service of such notice, he shall forfeit and pay to and for the benefit of the company owning such road, a sum not less than one nor more than ten dollars for each and every day he or they permit such fence or obstruction to remain upon such road after the expiration of ten days from the service of such notice ; which sum shall be recoverable by action in the name of said company before any justice of the peace of the township where such fence or obstruction is placed.

Penalty for neglect or refusal to remove obstruction.

Sec. 2. Nothing in this act shall be construed to interfere with the "act for the encouragement and protection of live fences," passed March 5, 1835, nor to secure to any turnpike or plank road a greater width than sixty feet.

How recovered.

Sec. 3. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 28, 1861.

AN ACT

Authorizing the payment of the claim of Bartlit & Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of three thousand seven hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the amount of principal and interest due at the time of payment on a bill of exchange drawn by William H. Gibson, as treasurer of state, in favor of Bartlit & Smith, of Columbus, Ohio, on Atwood & Co., of New York, date June 12, A. D. 1857, for the sum of three thousand dollars; said payment shall be made only on the draft of the auditor of state after the said Bartlit & Smith shall have entered into a bond payable to the state of Ohio, with security to the satisfaction of said auditor, in the penal sum of four thousand dollars, conditioned for the re-payment to the state of Ohio, of the amount of the said draft and interest, if at any time the state of Ohio shall recover a judgment against the said Bartlit & Smith for the amount of any offset on claim or claims which may subsist in favor of the state of Ohio and against said Bartlit & Smith at the time of such payment; and the auditor shall draw such draft upon the acceptance of such bond, and that such payment shall not be deemed a waiver of any such offset to this claim.

Bond to be
executed by
B. & S.

SEC. 2. That an act entitled an act for the settlement and payment of the claim of Bartlit & Smith, passed March 26, A. D. 1860, is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 28, 1861.

AN ACT

Making appropriations for purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of three hundred and five dollars and forty-one cents be and the same is hereby appropriated out of any money in the treasury for general revenue purposes, not otherwise appropriated, for the payment of expenses of erecting two flags over the capitol, and for map purchased for the use of the senate. For the payment of publishing the daily proceedings of the General Assembly in the Ohio State Journal and Ohio Statesman, one thousand dollars; two thousand dollars for completing cells in the Ohio Penitentiary.

Flags.

Publishing
proceedings.
Ohio Peniten-
tiary.

SEC. 2. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 29, 1861.

AN ACT

To repeal certain sections of an act therein named.

Sw. & Cr. 1549

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two and four of the act entitled "an act to amend the act entitled an act to amend the act entitled an act to provide for the organization of cities and incorporated villages, passed March 11, 1853, and supplementary to the same," passed March 30, 1857, are hereby repealed.

Sec. 2. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 3, 1861.

AN ACT

To amend section 43 of an act entitled an act to provide for the settlement of estates of deceased persons, passed March 22, 1840. Sw. & Cr. 574

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-three of the above recited act be amended so as to read as follows:

Sec. 43. When any man shall die leaving a widow or minor child under the age of fifteen years, the following property shall not be deemed assets, or administered as such, but shall be included and stated in the inventory of the estate and signed by the appraisers without appraising the same: First—All spinning wheels, weaving looms, and stoves put up and kept in use by the family. Secondly—The family bible, family pictures, and school books used by or in the family of the deceased, and books not exceeding one hundred dollars in value, which were kept and used as part of the family library before the decease of such person. Thirdly—One cow, or if there be no cow, household goods to be selected by the widow, not exceeding twenty-five dollars in value; all sheep to the number of twelve, and the wool shorn from them, and the yarn and cloth manufactured by the family, and all the flax in possession of the family, and yarn or thread and cloth manufactured therefrom. Fourthly—All the wearing apparel and ornaments of the family and of the deceased; all the beds, bedsteads and bedding, and cooking utensils, being necessary for the use of the family, and any other articles of personal property, not exceeding one hundred dollars in value, which the widow may select, to be valued by the appraisers.

What property shall not be deemed assets.

Sec. 2. That the forty-third section of the act to which this is an amendment be and the same is hereby repealed.

Sec. 3. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 12, 1861.

AN ACT

To relieve sureties of executors and administrators.

How sureties
of executor or
administrator
may be re-
leased.

New bond.

Sw. & Cr. 616.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any surety of any executor or administrator of any deceased person, or the executor or administrator of any such surety, at any time, to make complaint to the proper probate court to be released from the bond with such executor or administrator, by filing his request therefor with the judge of said court, and giving at least five days notice, in writing, to such executor or administrator, when such court is of opinion there is good reason therefor, shall release such surety; and if such executor or administrator fail to give new bonds, as by such court directed, he shall be removed, and his letters superseded; but such original surety shall not be released until such executor or administrator so gives bonds, and such original surety shall be liable only for the acts of such executor or administrator from the time of the execution of the original bond to the filing of the second bond: Provided, that the costs of such release shall be paid by the surety applying to be released, unless it shall appear to the court that the administrator or executor is insolvent, incompetent, or is wasting the assets of the estate.

SEC. 2. An act entitled "an act to relieve the sureties of executors or administrators," passed April 6, 1859, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 22, 1861.

AN ACT

Sw. & Cr. 1522 To amend section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Sinking fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section (91) ninety-one of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852, be amended to read: Sec. 91. That for the purpose of creating a sinking fund, for the gradual extinguishment of the bonds and funded debt of any municipal corporation, the council thereof shall annually (until payment of the bonds and funded debt be fully provided for) levy and collect, in addition to the other taxes of said corporation, a tax of not less than one mill and not exceeding three mills upon said property appraised and returned as aforesaid, which shall be paid into said treasury, and be applied, by order of the city council, towards the extinguishment of said bonds and funded debt, and to no other purpose whatever.

SEC. 2. That said above recited section be and the same is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 23, 1861.

AN ACT

Supplementary to the act "for the assessment and taxation of all property in the state, and for levying taxes thereon according to its true value in money," passed April 5, 1859, and amend section six of said act. Sw. & Cr. 1438

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person whose duty it shall be to make a return or list of property for taxation under the provisions of the act "for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859, shall make a false return, or shall evade making a return, it shall be the duty of the county auditor to ascertain the true amount of the taxable property, moneys, credits and effects that such person ought to have returned or listed, in the manner prescribed in the thirty-fourth section of said act, and to add thereto fifty per centum on the amount so ascertained; and the amount so ascertained with the said fifty per centum shall be entered on the duplicate for taxation. Penalty for false return.

Sec. 2. Where any person summoned to appear before the county auditor and give testimony, under the provisions of the thirty-fourth section of said act, shall neglect or refuse to appear, or shall neglect or refuse to answer any question that may be put to him by the auditor touching the matter under examination, the auditor shall apply to the probate judge of the county to issue a subpoena for the appearance of such person before him; and on the application of the county auditor, it shall be the duty of the probate judge to issue a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned shall fail to appear, or appearing, shall refuse to testify, he shall be subject to like proceedings and penalties for contempt as witnesses in actions pending in the probate court. Neglect or refusal to answer, &c.

Sec. 3. That section six of said act be so amended as to read as follows: **Sec. 6.** Each person required by this act to list property shall make out and deliver to the assessor, when required or within ten days thereafter, a statement verified by his oath or affirmation of all the personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise in his possession or under the control of such person, on the day next preceding the second Monday of April, in the year in which such assessment shall be made, and which by the provisions of this act he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, Sw. & Cr. 1442

Statement—
when to be delivered and
how verified.

husband, trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor.

Sec. 4. Said original section six is hereby repealed, and this act shall take effect on its passage.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed March 29, 1861.

AN ACT

Sw. & Cr. 1106

To amend section 525 of the code of civil procedure..

Stay of execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 525 of the code of civil procedure be amended so as to read as follows: Sec 525. Execution of the judgment or final order other than those enumerated in this title, of any judicial tribunal, may be stayed, on such terms as may be prescribed by the court, or a judge thereof, in which the petition in error is filed.

Sec. 2. The said section 525 is hereby repealed, and this act shall take effect upon its passage.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 3, 1861.

AN ACT

To repeal the third section of an act therein named.

Sw. & Cr. 158.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of an act entitled "an act to prevent the taking of usurious interest on the part of banks, and to prevent confession of judgments on warrants of attorney in favor of banks," passed April 5, 1860, be and the same is hereby repealed.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 3, 1861.

AN ACT

To provide for locating, establishing and constructing ditches, drains and water-courses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county shall have power at any regular or called session, whenever in their opinion the same is demanded by, or will be conducive to, the public health, convenience or welfare, to cause to be located, established and constructed, as hereinafter provided, any ditch, drain, or water-course, within such county. Location, etc.,
by county com-
missioners.

Sec. 2. That before the county commissioners of any county shall take any steps toward locating and establishing any ditch, drain or water-course, there shall be filed with the county auditor a petition from one or more persons owning lands adjacent to, or through which, or in the vicinity of which, the line of said proposed ditch, drain or water course is supposed to pass, setting forth the necessity of the same, with a general description of its proposed starting point, route and terminus, and shall at the same time file a bond, not less than thirty dollars per mile of the supposed length thereof, with good and sufficient sureties to the acceptance of the county auditor, conditioned to pay all expenses incurred, in case the county commissioners shall refuse to grant the prayer of the petition or fail to establish said proposed ditch, drain or water-course; and it shall be the duty of the auditor immediately thereafter to place a correct copy of said petition in the hands of a competent surveyor and engineer, who shall thereupon take to his aid the necessary assistance, and proceed to make an accurate survey and level of the route (or as near the route as may be practicable) of such supposed [proposed] ditch, drain or water-course, and on completion thereof shall return a plat and profile of the same to the said county auditor and shall also set forth in his return a definite description of the proposed route, its availability and necessity, with a description of each separate tract of land, how it will be affected thereby, and its situation and level as compared with adjoining lands, the distance on each land owner, the depth of excavation and the dimensions of said proposed drain, at least every one hundred feet in length, and fix a grade line, and specify the manner in which the work should be done, the necessary flood-gates, water-ways, bridges, and farm crossings, together with such other facts and suggestions as he may deem material; it shall be the duty of the county auditor, immediately on said report being filed, to cause notice of the same, the pendency and the prayer of said petition, and the time set for the hearing thereof by the county commissioners, at which time they will establish the same; also, make an apportionment of the costs and expenses of making said location, and the apportionment of the labor of constructing said ditch, drain or water-course, to be given by publication for four consecutive weeks in some newspaper published or of general circulation in said county. Preliminary
proceedings.

Sec. 3. That any person or persons claiming compensation for lands appropriated, or who shall sustain any damage by the constructing of any ditch, drain or water-course under the provisions of this act, shall make his, her or their application in writing therefor to the county commissioners, and file the same with the county auditor on or before the day set for the hearing of the petition, and Damages for
land appropri-
ated.

on failure to make such application, shall be deemed and held to have waived his, her or their right to such compensation and damages.

How located
and con-
structed.

Sec. 4. That said county commissioners, at the time set for the hearing of said petition and the apportionment of the costs and expense of locating, and the labor of constructing said ditch, drain or water-course, shall, if they find the requirements of the second section of this act to have been complied with, proceed to hear and determine said petition, examine the report of the surveyor and engineer, and with him view the premises, and if they find such ditch, drain or water-course to be necessary, and that the same has been properly located and is demanded by or will be conducive to the public health, convenience or welfare, and no application shall have been made for compensation for lands appropriated or damages sustained, as provided in the third section of this act, they shall proceed to establish such ditch, drain or water-course as specified in the return of the surveyor and engineer, and with his assistance apportion the costs and expenses of making the location thereof, and also apportion the labor of opening and constructing said ditch, drain or water-course, and set apart and award to each person or persons owning lands through which, or adjacent to which, or in the vicinity of which said proposed ditch, drain or water-course may be located and established, as shall by said commissioners be deemed just and right, according to the benefits to each to be derived by the locating, establishing and constructing the same, and shall specify the time in which said costs and expenses shall be paid to the county auditor, who shall give the party thus paying a receipt, and also the time and manner in which said labor shall be performed; and they shall also cause a stake or monument (unless designated by a road, land line, or some other artificial object,) to be placed at the boundaries of each of the several portions, which portions or sections shall be (for convenience and reference) numbered progressively down stream. But if any application or applications for compensation for land appropriated, or damages sustained as aforesaid shall have been made, further proceedings by the county commissioners shall be adjourned, and the county auditor shall forthwith certify to the probate judge of said county a copy of said application or applications, together with a description of the property sought to be taken or injured as contained in the return of the surveyor and engineer, which shall be forthwith docketed by said probate judge, styling the applicant or applicants plaintiff or plaintiffs, and the county commissioners defendants, and such proceedings shall thereupon be had to assess and determine the amount of compensation and damages of such claimant or claimants as are authorized and required by the act entitled "an act to provide for compensation and damages to the owner or owners of private property appropriated to the use of corporations or the good and welfare of the public," passed April 30, 1852, and the acts amendatory thereof and supplementary thereto, so far as the same may be applicable; and the compensation and damages so found and assessed in favor of said claimant or claimants, shall be immediately certified by said probate judge to the county auditor, and paid out of the county treasury from the general fund; thereupon it shall be the duty of the county commissioners to meet and apportion said compensation and damages so found and assessed among the parties interested and benefited in the opening and constructing of said ditch, drain or water-course, in the proportion to the

benefit each will receive by the opening and constructing of the same; and the county auditor shall enter said compensation and damages thus apportioned upon the tax duplicate (unless immediately paid over by the parties) of said county against the tract or lot of land benefited by the opening and constructing of said ditch, drain or water-course, and the amount so entered, together with the treasurer's per cent. and legal interest, shall be collected by the treasurer of said county the same as are other taxes.

Sec. 5. If any of the persons interested in the opening of said water course or ditch shall fail to pay the costs and expenses assigned them, or fail to procure the cutting and opening of said ditch, drain or water-course on that section or portion assigned and set off to them respectively by the commissioners in the manner and time specified, it shall then be the duty of the county auditor, on being notified of the fact, to cause the same to be done either by public or private contract, on such reasonable terms as he may be able to procure, and take a bond payable to the state of Ohio, of the person to whom said work is let, with good and sufficient sureties for the faithful performance and completion of the same within a specified time; and on completion of the work thus let, and accepted by the surveyor and engineer, the auditor shall issue a certificate to the person or persons doing said work, and shall enter the amount of said certificate upon the tax duplicate of said county against the tract or lot of land benefited by the cutting and opening of said portion or section of said ditch, drain or water course, together with the treasurer's per cent. and legal interest, and the amount so entered shall be collected by the treasurer of said county the same as are other taxes, and paid by him over to the person holding said certificate.

Proceedings upon failure of person interested to pay his proportion of expense.

Sec. 6. The commissioners, auditor or probate judge failing or neglecting to perform any of the duties imposed upon them by the provisions of this act, shall forfeit and pay a fine of twenty-five dollars for every such neglect—to be recovered before any officer having competent jurisdiction, for the benefit of common schools in such county, at the suit of any person feeling aggrieved thereby.

Penalty for negligence on the part of officers.

Sec. 7. It shall be lawful for the owner or owners of any lands in this state wherein there shall have been any ditch, drain or water-course heretofore opened or located, to have the same right of action, as to labor and expense incurred in opening and keeping the same open and in repair, according to the benefit of each person interested therein, may receive as provided for in the foregoing sections in cases of the original opening of ditches, drains or water-courses.

Rights of land owners as to expense of keeping ditches heretofore opened in repair.

Sec. 8. On the completion of any ditch, drain or water-course, or any portion or section thereof, located, established and constructed under the provisions of this act, the same shall be accepted and received by the surveyor and engineer, who shall give the person doing the work a certificate that said portion or section of said ditch, drain or water-course has been completed according to the specifications and directions of the commissioners of said county, and said person shall file said certificate with the county auditor, retaining a true copy thereof, certified and signed by said auditor; and it shall be the duty of each and every person owning lands through which, or adjacent to which, said ditch, drain or water-course has been located, established and constructed under the provisions of this act, for himself, his heirs and assigns forever to keep the same open and

Duties of adjacent land-owners.

in good repair through or adjacent to his, her or their own said lands; and on failure or neglect so to do, it shall be lawful for any person feeling injured or aggrieved thereby to notify the person (if he be a resident of said land) suffering said ditch, drain or water-course to fill up or get out of repair on his, her or their said land, and if the person neglects, fails or refuses to open, clean and repair the same, then the person injured and aggrieved shall file grievances with the county auditor, whose duty it shall be to order the supervisor of the district within the boundaries of which said ditch, drain or water-course is to be repaired, to repair the same; and he (the auditor) may, if the nature of the case require it, order out a competent surveyor and engineer to examine the premises thus complained of, who shall report the condition of the same to said auditor, and the amount expended by the supervisor in repairing said ditch, drain or water-course, shall be certified to the county auditor by said supervisor, and said auditor shall give said supervisor and surveyor and engineer, severally, a certificate for the amount of their services, and the county auditor shall enter the amount of said certificates thus given for the repairing of said drain, together with the treasurer's per cent. and legal interest, upon the tax duplicate of said county against the lot or tract of land upon which said ditch, drain or water-course was repaired, and the same shall be collected by the county treasurer the same as other taxes, and paid over by him to the person or persons holding said certificates.

Record of proceedings to be kept by auditor.

Refusal of parties to pay.

Compensation of officers employed.

Sec. 9. The county auditor shall keep a full and complete record of all proceedings had in each case under the provisions of this act, and all costs, and expenses, and fees, (except those of the auditor and probate judge and commissioners,) and costs of construction and damages that may accrue and be assessed under the provisions of this act, shall, on refusal or neglect or failure of the parties to pay, as in this act provided, on or before the time the same becomes respectively due, the county auditor shall issue a certificate to the person to whom said costs and expenses are due, and shall enter the same upon the tax duplicate of said county, together with the treasurer's per cent. and legal interest, against the tract or lot of land benefited by the establishing and opening of said ditch, drain or water-course, and the amount so entered shall be collected by the treasurer of said county the same as are other taxes, and paid over to the persons holding said certificates.

Sec. 10. That the fees of the county auditor and the fees of the county commissioners and the fees of the probate judge, under this act, shall be the same as are provided by law for like services in other cases, and paid out of the general fund; the surveyor and engineer shall be allowed three dollars per day for the time he may be necessarily employed, and six and one-fourth cents mileage for each time he may be required to go to and return from the place of the location of said ditch, drain or water-course by the usual route of travel: Provided, that all expenses of chainmen, axmen, rodmen and other necessary assistance and incidental expenses are paid as follows: Each chainman and axman one dollar per day; rodman one dollar and twenty-five cents per day; the expense of drawing the original petition and filing the same with the county auditor, must be paid by the petitioner or petitioners, and not go into the general cost bill; the fees of the surveyor and engineer, chainmen, axmen, rodmen, printers' fees, and all other fees and costs, except

the fees of the auditor and commissioners and probate judge shall be paid by the parties respectively interested and benefited in the establishing and constructing of said ditch, drain or water-course in the manner as heretofore in this act provided. All cost bills shall be examined and signed by the commissioners of said county.

Sec. 11. The county commissioners may, when any ditch, drain or water-course located and established under this act crosses any public or corporated road, or any railroad, if they are of the opinion that the same will be benefited, and the road bed or traveled track will be made better by the opening and constructing of any such ditch, drain or water-course, apportion and set off to the county, if a county or state road; to the township, if a township road; to the company, if a corporated or railroad, a portion of the costs and expenses, and also a portion of the construction, the same as to private individuals, and compel them to pay said costs and perform said labor in like manner.

When corporation may be compelled to pay proportion of costs.

Sec. 12. In all cases where any proposed ditch, drain or water-course shall be in more than one county, application shall be made to the commissioners of each of said counties, and in such case the surveyor and engineer must make a report for each county, and application for damages must be made in the county where the land is situated, and in such case a majority of all the commissioners of such counties when in joint session shall be competent to locate and establish the ditch, drain or water-course as aforesaid: Provided, always, that no commissioner shall serve in any case where he is personally interested. Any two commissioners may form a quorum for the transaction of business in their respective counties; but should said county be without a quorum, it shall be lawful for the commissioners in any adjoining county, on notice from the county auditor of any county not having a quorum of commissioners competent to act, to perform like duties, with the powers as resident commissioners of any such county.

Where proposed ditch shall be in more than one county.

Sec. 13. That the provisions of this act shall be applicable to the ditching, draining and keeping in good repair sections sixteen and lands granted in lieu thereof for school purposes, while the same remains township property, and the trustees of any township owning any such lands or where the same is situate, may file the petition and bond required by section two of this act.

School lands.

Sec. 14. That if any person shall maliciously or willfully fill up or obstruct any ditch, drain or water-course, or shall maliciously or willfully divert said ditch, drain or water-course from its proper channel, he shall forfeit and pay to the county in which the ditch, drain or water-course may be situate, the sum of ten dollars, to be recovered before any justice of the peace, or other court having jurisdiction of the matter, and shall moreover be liable for all damages that may accrue to any person or persons by such act or acts: Provided, that whenever any such ditch, drain or water-course shall be wholly within one township the duties by this act imposed upon the county commissioners may in the same manner be discharged by the township trustees of the proper township.

Penalty for filling up ditch.

Sec. 15. That wherever the words "ditch," "drain," or "water-course" occur in this bill [act], the same shall be understood to embrace and include any side or lateral ditches necessary to secure the objects and purposes for which any main ditch, drain or water-

Definitions.

course may be made; which shall be considered as part of said main ditch, drain or water-course.

Acts repealed. **Sec. 16.** The act entitled "an act authorizing the trustees of townships to establish water courses and locate ditches in certain cases," passed May 1, 1854, and the act amendatory thereto, passed April 14, 1857, and the original act, passed February 24, 1853, and the act passed March 24, 1859, on the same subject, are hereby repealed: Provided that no proceedings had or commenced under any law repealed by this act shall be affected by such repeal.

Sec. 17. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT O. KIRK,

President of the Senate.

Passed March 27, 1861.

AN ACT

Concerning the rights and liabilities of married women.

Be it enacted by the General Assembly of the State of Ohio, as follows:

As to real estate acquired before marriage, or under coverture by gift, &c., or by purchase with her separate money.

SECTION 1. Any estate or interest, legal or equitable, in real property belonging to any woman at her marriage, or which may have come to her during coverture by conveyance, gift, devise, or inheritance, or by purchase with her separate money or means, shall, together with all rents and issues thereof, be and remain her separate property, and under her sole control; and she may in her own name during coverture, lease the same for any period not exceeding three years. This act shall not affect the estate by the curtesy of any husband in the real property of his wife after her decease; but during the life of such wife, or any heir of her body, such estate shall not be taken by any process of law for the payment of his debts, or be conveyed or encumbered by him, unless she shall join therein with him in the manner prescribed by law in regard to her own estate.

As to personalty.

Sec. 2. Any personal property, including rights in action, belonging to any woman at her marriage, or which may have come to her during coverture by gift, bequest, or inheritance, or by purchase with her separate money or means, or be due as the wages of her separate labor, or have grown out of any violation of her personal rights, shall, together with all income, increase and profits thereof, be and remain her separate property and under her sole control, and shall not be liable to be taken by any process of law for the debts of her husband. This act shall not affect the title of any husband to any personal property reduced into his possession with the assent of his wife: Provided, all articles of furniture and household goods belonging or which may have come to any married woman, as above set forth, shall not be deemed to have been reduced into the possession of her husband by reason of their joint use of the same, but shall remain her separate property.

—reduced into possession by the husband.

Sac. 3. In any action against husband and wife upon any cause existing against her at their marriage, or upon any tort committed by her during coverture, the separate property of the wife shall be also liable to be taken for any judgment rendered therein.

Joint liability of husband and wife—upon what causes of action.

Sac. 4. Any married woman whose husband shall desert her, or from intemperance or other cause become incapacitated or neglect to provide for his family, may, in her own name, make contracts for her own labor and the labor of her minor children, and in her own name sue for and collect her own or their earnings. Any married woman in such case of desertion, incapacity or neglect, may file her petition in the court of common pleas of the county in which she resides, alleging the same, and making her husband defendant thereto; which proceeding shall be subject to all rules applicable to other civil actions; and upon proof, by testimony, of such desertion, incapacity, or neglect, the court may in its discretion, make an order having the force and effect of a judgment, vesting such woman with the rights, privileges and liabilities of a feme sole, as to acquiring, possessing and disposing of property, real and personal, making contracts and being liable thereon, and suing and being sued in her own name: Provided, after such judgment the husband shall not be liable upon any contract so made by her in her own name, or for any tort thereafter committed by her.

When and how married women shall be vested with rights and liabilities of feme sole.

Sac. 5. This act shall not affect any rights which may have become vested in any person at the taking effect hereof. The act entitled "an act in relation to the interests of husbands in the estate of their wives," passed February 28, 1846; and the act amendatory thereto, passed February 5, 1847; and the act entitled "an act securing to married women such personal property as may be exempt from execution, and also enabling them to control their own earnings, and the earnings of their minor children in certain cases," passed April 7, [17,] 1857, are hereby repealed.

Limitation, and acts repealed.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 3, 1861.

AN ACT

To amend an act entitled an act to authorize the erection of town halls, passed February 24, 1848.

Sw. & Or. 1431

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of an act entitled an act to authorize the erection of town halls, passed February 24, 1848, be so amended as to read as follows: **Sac. 2.** That every voter who is in favor of levying a tax on all the property of the township or incorporated town, for the erection of such hall, shall indorse on his ballot "town hall;" and if a majority of all the legal voters at such election, vote "town hall," then the trustees of such township, or council of such incorporated town, shall, on or before the first day of June thereafter, inform the auditor of the proper county of the vote of the electors in such township or incorporated town, as expressed at

Mode of voting on erection of town hall.

—tax for, and
how levied,
amount, &c.

said election, and the county auditor shall levy a tax on all the property of such township or incorporated town standing on the grand list for the purpose aforesaid, and to enable the trustees of such township or incorporated town to purchase a lot, if necessary, upon which to erect said hall. And it shall be lawful for the trustees of any township, or town council of any incorporated town, in which a town hall shall have been erected, at any time to levy and collect a tax upon all the property of said township or incorporated town subject to taxation, for the purpose of painting, repairing, or discharging any existing debt incurred in the erection or purchase of such hall: Provided, the amount of taxes, under the provisions of this act, shall in no case exceed two mills on the dollar of the taxable property of any township or incorporated town; and the tax so levied shall be collected by the county treasurer, in the same manner and at the same time that state and county taxes are collected, and by him paid to the order of the trustees of such township, or to the town council of any incorporated town raising the same.

Sec. 2. That original section two, of the act of which this act is amendatory, be and the same is hereby repealed.

Sec. 3. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 3, 1861.

AN ACT

Further defining the duties of boards of education for incorporated cities, towns, villages, and independent school districts.

Receipts and
disbursements
for school pur-
poses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education for any incorporated city, town, village, or independent school district, shall prepare or cause to be prepared and forwarded to the county auditor, on or before the first day of October, a statement exhibiting a true account of all the receipts and disbursements for school purposes, and such other statistics and information as the state commissioner of schools may require.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 4, 1861.

AN ACT

Supplemental to an act entitled an act amendatory and supplemental to an act passed April 5, 1856, entitled an act to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 8, 1853, and the several acts amendatory thereof and supplementary to said acts, passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities referred to in the act to which this is supplementary, it shall be lawful for the board of city improvements, in submitting to the council an assessment according to the feet front of the expense of constructing sewers or drains, to exempt from taxation such portion of the frontage of any lot having a greater frontage than its average depth, and so much of any frontage of corner lots as to them may seem just and equitable, and charge the deficiency caused by such exemption upon the whole frontage taxed pro rata, but in so doing they shall specially set forth in the ordinance making such assessment each lot so exempted, which ordinance, when passed, shall be binding upon the parties interested, anything in the act to which this is supplementary to the contrary notwithstanding.

Partial exemption from taxation for sewerage, where, &c.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 4, 1861.

AN ACT

To amend sections 313 and 344 of the code of civil procedure.

Sw. & Cr. 1037

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen of the code of civil procedure be so amended as to read as follows, to wit:

Sec. 313. No party to a civil action shall be allowed to testify by virtue of section three hundred and ten, in any action when the adverse party is the guardian of a child or children of a deceased person, or of an idiot, or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, except in the following cases, namely: 1. In actions with an executor, administrator, or guardian of infants, as above specified, a party may testify to facts which occurred after the death of the decedent or parent. 2. In actions upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contract and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent. 3. In actions with a trustee of either of the classes above specified, in which any adverse party, or any other person having a direct interest in the matter in controversy, shall be called as a witness and testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations. 4. In actions with a trustee of either of the classes above specified, in which the claim or defense is founded on book account, a party may testify to his account book,

What parties shall not be allowed to testify.

that the same is a book of original entries, that the entries in the same were made by himself, or by a deceased person, or by a disinterested person non-resident of the state at the time of trial; and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case. 5. If the deposition of a party who has died during the pending of a suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters and things contained in said deposition and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor in the absence of his surviving partner or joint contractor.

Sw. & Cr. 1042

Notice to parties of taking of depositions.

Sec. 2. That the three hundred and forty-fourth section of said code of civil procedure be so amended as to read as follows, viz:

Sec. 344. Before taking any deposition, unless the same is taken under a special commission, written notice thereof shall be given to the adverse party specifying the action or proceeding, the name of the court or tribunal in which it is to be used, and the time and place of taking the same; and in case the deposition of a party to the suit is taken, the same shall not be used in his own behalf unless the notice shall also specify that the deposition to be taken is that of the party. The notice shall be served upon the adverse party, his agent or attorney of record, or left at the usual place of abode of such party or his agent, and the deposition shall only be used against such parties as shall have been served with notice in one of the modes prescribed. The notice shall be served so as to allow the adverse party sufficient time (exclusive of Sundays, the day of service, and one day for preparation) to travel by the usual routes and modes of conveyance to the place named in the notice, and the examination may, if so stated in the notice, be adjourned from day to day.

Sec. 3. This act shall take effect and be in force from and after its passage, and shall apply to all suits now pending as well as suits hereafter commenced, and said sections 313 and 344 of the code of civil procedure are hereby repealed.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 3, 1861.

AN ACT

Supplementary to an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852.

Extension of operations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any company heretofore, or that may hereafter be incorporated and organized under the laws of this state, and in accordance therewith, for manufacturing purposes, upon a vote of a majority in interest of the stockholders, may extend its manufacturing operations to articles, in the same line of business that are not authorized

by the terms of the original certificate of incorporation; and, after making a certificate of such vote specifying how far the manufacturing operations are to be extended, verified by the oath of its president; and procuring it to be recorded in the same manner as the original certificate of incorporation is by law required to be recorded, such company shall have power to manufacture and sell such articles as shall be named or otherwise provided for in said certificate.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 4, 1861.

AN ACT

To amend an act entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That every bank shall, annually, between the first and second Monday of May, make out, and, on demand of the assessor, deliver to him a correct statement, attested by the oaths of the president and cashier of such bank, or if there be no president or cashier, then by the oaths of the principal manager and principal accountant of such bank, setting forth: First—The amount of capital, whether divided into shares or not, actually paid in or secured to be paid by note or otherwise, or in any manner procured or furnished, to be employed in its banking business. Second—the amount of undivided profits arising from such business, belonging to the bank, whether in its possession or subject to its control, or loaned or otherwise invested for its benefit. Third—the amount loaned to or deposited with such bank, for a term certain, or which, by agreement or understanding between the parties, is not to be withdrawn on demand, excepting amounts which may have been deposited with any bank established as a clearing house for the redemption of the notes of banks making such deposits, and on which no interest is charged or received by the banks making such deposits; which several amounts shall truly represent the condition of the means, property and assets of the bank described in this section, as they shall have existed on the day next preceding the second Monday in April, and shall be added together, and the gross sum so produced shall be deemed the amount of property employed in banking for the then current year by such bank.

SEC. 2. The assessor shall return to the county auditor the statement described in the foregoing section, made by any bank in his township or ward, and the amount so returned shall be placed on the county duplicate, and on the city duplicate where city taxes are collected on a separate duplicate, and taxed as other personal property in the same township, town, village or ward, may be taxed by law.

SEC. 3. Every corporation, company, individual, person or association of persons, whether authorized by law to issue notes for circulation or not, that shall keep an office, counting-house, or other place for the transaction of business in this state, and shall discount,

To be returned
by assessor,
etc.

Definition of
"bank."

buy, sell, exchange, or otherwise deal in, or receive in deposit, money, bills of exchange, notes, bonds, stocks, certificates of public debt, or other evidence of debts, claims or demands, with a view of profit, shall be deemed a bank within the meaning of the preceding sections of this act, and for the purpose of carrying out its provisions.

Banks organized under state bank law—return to assessor.

Sec. 4. It shall be the duty of the president and cashier of each banking company organized under the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February 24, 1845, on or before the second Monday of May in each year, to make out under oath, and return to the proper assessor of the township, town or ward where such company is located, a certificate containing a statement of the amount of the capital stock of such company paid in and remaining as capital stock undiminished by losses or otherwise, together with the amount of surplus and contingent fund and undivided profits accrued prior to the first Monday in May, and also the amount loaned to, or deposited with such bank for a term certain, or which by agreement or understanding between the parties, is not to be withdrawn on demand, excepting amounts which may have been deposited with any bank established as a clearing house for the redemption of the notes of banks making such deposits and on which no interest is charged or received by the banks making such deposits; and the amount so returned shall be placed on the county duplicate, and on the city duplicate where city taxes are collected on a separate duplicate, and taxed as other personal property in the same township, town, village or ward may be taxed by law. In making the certificate aforesaid, any portion of said capital stock, surplus or contingent fund, or undivided profits invested in real estate, which is subject to taxation under the laws of this state, may be deducted, but the certificate shall specify the amount so deducted.

Duties of assessor in case of neglect or refusal.

Sec. 5. Each assessor of any township or ward within the limits of which any such bank or banking company may be located, in case any president or cashier of such bank or banking company shall refuse or neglect to make out and deliver to the assessor the statement herein required, after the provisions of this act shall have been accepted by such bank, as hereinafter provided, shall, as in other cases, ascertain the amount of such capital stock, surplus and contingent fund, and undivided profits, and shall return the same to the county auditor, or to such other officer as the law regulating his duties may require, and the amount thus ascertained, with the addition of fifty per centum thereof, shall be entered upon the proper duplicate for taxation; provided, that in cases where city taxes are assessed and collected by the city authorities, the taxes upon banks, as provided for in this act, shall be assessed and collected the same as city taxes upon other property for the time being are assessed and collected in such city.

Notice of assessor to bank.

Sec. 6. It shall be the duty of every assessor in whose jurisdiction there shall be located any such bank or banking company, to leave with some proper officer of such bank or banking company, a notice to make out and deliver, within ten days, the statement required in the first section of this act.

Certificate of acceptance by bank, etc.

Sec. 7. Each and every banking company organized under the provisions of the act entitled "an act to incorporate the state bank

of Ohio, and other banking companies," passed February 24, 1845, accepting the provisions of the three preceding sections, shall make out and transmit a certificate thereof to the auditor of the county in which such bank or banking company is located, and shall also transmit a certified copy of such acceptance to the auditor of state, who shall file the same in his office.

Sec. 8. This act shall not be construed to repeal the sixtieth section of the act "to incorporate the state bank of Ohio and other banking companies," aforesaid, but to suspend the operation of said section as to the several companies accepting the provisions hereof during the time they shall continue to be taxed as provided in this act.

Sec. 9. Sections 60, 61, 62, 63, 64, 65, 66, 67 and 68 of the act entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859, are hereby repealed.

Sec. 10. This act shall take effect on its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 4, 1861.

Suspension of
section 60
bank law —
when.

All of Title
"banks and
banking com-
panies," Sw.
& Cr. 1460-63.

AN ACT

Supplementary to an act to encourage teachers' institutes, passed February 8, 1847, and the several amendments thereto. Sw. & Cr. 1379

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where an association of teachers of common schools, called a teachers' institute, has been or may be formed by teachers of two or more contiguous counties, the county commissioners of each of said counties are hereby authorized to appropriate, for the use of said association, a sum not exceeding one hundred dollars in any one year, from any moneys in the county treasury not otherwise appropriated.

Appropriation
by county
commissioners

Sec. 2. The moneys so appropriated shall, upon the order of the county auditor, be paid over to the committee or treasurer of said institute; provided, that no part of the money shall be ordered by the county auditor to be paid over, except upon the petition of at least twenty practical teachers, residents of the county in which such appropriation shall be made, who shall therein declare their intention to attend the meeting of said association.

Money to be
paid over —
when.

Sec. 3. It shall be the duty of the officers of every such teachers' institute, to report, at the close, to the school examiners of the proper county, the name of such [each] teacher in attendance, the time of attendance, and the amount paid for the use of the institute, to the state commissioner of common schools within thirty days after every meeting of the institute, an account of the moneys received, from what source, and how expended by them, and such other matter relating to the institute as the commissioner may require.

Report

Sec. 4. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 5, 1861.

AN ACT

To provide for the erection of a new penitentiary in Ohio.

Preamble.

WHEREAS, The long settled policy of the state in the confinement and punishment of its criminals, makes the erection of a second penitentiary, within a few years, a matter of necessity ; and, whereas, it is expedient to provide for the commencement of this work without unnecessary delay ; therefore,

Board of commissioners—
appointment
and duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That to provide for the erection of said penitentiary it is hereby made the duty of the governor, with the advice and consent of the senate, to appoint, after a locality for the same shall have been selected by the general assembly, three competent, suitable persons, citizens of Ohio, who shall constitute a board of commissioners, and whose duty it shall be, as soon as practicable, to proceed to the place selected by law as the point for said buildings, and, after a careful inquiry and investigation, to select the best site for the new penitentiary, and to proceed with the erection of the same. The said board shall keep a record of their proceedings, and it shall be essential to the validity of every contract entered into, or order made by them, that the same shall have been assented to at a regular meeting of the board, and entered on the minutes of their proceedings by their clerk.

Architect.

SEC. 2. That the said commissioners shall be authorized, when necessary, to employ the services of some competent architect, and shall be authorized to pay him such reasonable sum as they shall deem proper. From all the sources of information within their control the said commissioners shall cause forms of bids with plans, specifications and full detail drawings to proper scales to be prepared by the architect, and when adopted by them they shall have the said plans and drawings lithographed, and together with the specifications and forms of bids printed, for distribution to bidders. Copies of the said plans and drawings and specifications attested by the commissioners shall immediately on their adoption be deposited in the office of the secretary of state. They shall likewise cause to be prepared by the attorney general, and have printed a form of contract and bond.

General plan
of building,
expense, &c.

SEC. 3. The general plan finally adopted by said commissioners, shall, when fully completed, be of capacity for eight hundred prisoners, and no more, and the whole cost of said penitentiary when completed after said general plan, shall not exceed \$200,000. But the plans of such portion of said penitentiary as is first to be constructed as a part of said general plan shall include enough cells, shop room and other necessary structures to accommodate three hundred and fifty prisoners when ready for use. And said plans shall be adhered to unless changed or modified by an act of the legislature.

Superintendent of
construction.

SEC. 4. The said commissioners shall appoint a person, not of their number, to act as superintendent of construction and clerk of the board, whose duty it shall be to give his personal attention to the construction of the works in every department, and to devote his entire time to the service. With the assent of the commissioners, he shall employ such workmen as the business shall demand. The commissioners shall have power to decide upon the materials of which said buildings, cells, &c., shall be constructed ; but in all

plans and selections, a due regard shall be had to proper ventilation, dryness of cells, health of inmates, &c., as well as to durability. The plans for such portion of said penitentiary as is first to be constructed shall include enough cells, shop room, and other necessary structures to accommodate three hundred and fifty prisoners when ready for use.

Sec. 5. Said commissioners shall have power to contract at the best rates for the best interests of the state, for the digging of foundations, quarrying and hauling stone, for bricks, timber, lumber, and other necessary materials, and for the masonry, iron work, carpenter work, &c., in constructing said buildings: Provided, that no contract for work shall be made by such commissioners during any one year, payable in money out of the state treasury, beyond the amount appropriated for such year. If, in the judgment of said commissioners, any portion of said work can be done cheaper or better by employing workmen by the day, they are hereby authorized so to employ them, to an extent not exceeding five per cent. each year of the amount appropriated for the year. And the said board shall not make any contract for work or materials, except as herein provided, without first causing thirty days notice to be given in one or more newspapers in general circulation in the county in which the site is located, and in the cities of Cleveland, Columbus and Cincinnati, that proposals will be received for doing the work or furnishing the materials, and they shall enter into contract with the lowest responsible bidder, upon having given bond to the state with security to be approved by them, that he will perform such work or furnish the materials, in accordance with his contract; and on failure of such bidder, within a reasonable time to be fixed by the board, to enter into such contract, with the security aforesaid, then a contract may, at the discretion of the board of commissioners, be made with the next lowest responsible bidder, and so on, until a contract is made, the contractor giving bond as aforesaid. All bids shall be sealed up and deposited with the clerk of the board, and shall be opened in their presence at a regular meeting. All contracts shall be made in the name of the state, and it shall be stipulated therein that the contractor will not execute any extra work, or make any modifications or alterations of the work mentioned in the specifications and plans unless ordered in writing by the board, and that he will not claim pay for the same unless such written order be given: Provided, that no commissioner or superintendent, or other officer to be connected with said new penitentiary, shall be in anywise interested in any contract for work or materials, or for provisions, or for services relating to the same; but all contracts or engagements in which any such officer shall be concerned or interested shall be void.

Contracts for
work and ma-
terials.

Sec. 6. So soon as the convicts in the penitentiary at Columbus can be safely and profitably employed thereon, the said commissioners shall arrange with the directors of the penitentiary for the removal and employment, either by said commissioners or the contractors under their direction, of so many convicts, and of such character as can safely and with propriety be employed on said work; the said convicts to remain under the general control and direction (except as to the kind of work) of the officers of the present penitentiary, until the new prison is organized and placed under the control of proper officers, when they shall be disposed of as may be hereafter provided by law.

Convicts to be
employed.

Appropriation.

SEC. 7. For the purpose of commencing said penitentiary structures, the sum of twenty thousand dollars is hereby appropriated out of moneys in the state treasury for general revenue purposes. The payments shall be made from time to time as the work shall progress, and the auditor and comptroller shall issue their warrants upon the treasury for such payments on the certified statements of the commissioners for such labor or materials: Provided, such warrants shall not be made payable before the fifteenth day of November, A. D. 1861.

Title to lands.

SEC. 8. That before the work on said penitentiary buildings shall commence, the title to the lands for this purpose—which lands shall not be less than thirty acres—shall be made to the state of Ohio; and it is hereby made the duty of the attorney-general to examine, or cause to be examined, the title of such lands, and he shall certify that the title is good and sufficient, and that the conveyance to the state is legal, and vests the entire title of said lands in the state to said commissioners before they shall commence said work.

Report of commissioners.

SEC. 9. The said commissioners shall make a full and complete report of their doings and expenditures, together with such suggestions as they shall think of value, to the governor, by the 15th of November of each year. The governor shall cause the said report to be printed so soon as practicable, and the expense thereof shall be paid from the appropriation for printing and binding, as other reports of the departments.

Compensation.

SEC. 10. That said commissioners shall be paid the sum of four dollars per day for the time actually employed in the public service, and the superintendent shall be paid fifteen hundred dollars per year for his services; and to meet the same, the sum of two thousand dollars is hereby appropriated from the state treasury.

Appropriation.

Bond of contractor.

SEC. 11. That whenever any bond is required of a contracting party by the provisions of this act, every such contracting party shall file his bond with the said board of commissioners, at the time of putting in such proposals or bids for each contract; which said bond shall be in such sum as the said board of commissioners shall direct—conditioned that the party making the proposals or bids will accept the contract if the same be awarded to said party, and for the faithful performance of the contract on the part of such contracting party; and no bid or proposal shall be received, unless such bond shall accompany the same, and be approved by said board of commissioners.

Official bond of commissioners.

SEC. 12. That before such commissioners shall enter upon the duties of their said office, they shall severally give bond, to the state of Ohio, in the sum of ten thousand dollars, with at least two good and sufficient freeholders as sureties, to be approved by the auditor of state and the attorney-general—conditioned for the faithful performance of the several duties which are hereby or which may from time to time be required of them by law—which said bond shall be deposited with the treasurer of state.

SEC. 13. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 4, 1861.

AN ACT

To preserve the purity of elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person within this state, at any election held in pursuance of law, to mark the ticket of any elector with the intention of ascertaining how such elector voted, or to mark the ticket of any elector and hand the same to him to vote at any such election for the purpose aforesaid. Marking tickets.

SEC. 2. Any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof in the proper court, shall be fined in any sum not exceeding fifty dollars nor less than ten dollars, and shall also pay the costs of prosecution. Penalty.

SEC. 3. This act to be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 4, 1861.

AN ACT

To protect agricultural fairs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to exhibit or show any natural or artificial curiosity for any price or gain, or shall set up to let or use for profit any swing, revolving swing, flying horses, or whirligigs, within one-fourth of a mile of the fair ground of any agricultural society in this state, while the fair of such society is being held therein, unless such person shall first have obtained the written permission of the board of such agricultural society to make such exhibition. Exhibitions prohibited.

SEC. 2. That if any person shall violate the provisions of this act, he shall, on conviction thereof, be fined in any sum not less than one nor more than one hundred dollars; and all moneys derived from the violation of this act shall be appropriated to the support of common schools. Unless by permission.

SEC. 3. This act shall take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 6, 1861.

AN ACT

To amend section thirty-four of an act entitled an act providing for the punishment of crimes, passed March 7, 1835. Sw. & Cr. 415;

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirty-four of the aforesaid act be so amended as to read as follows:

SEC. 34. That if any person or persons shall administer poison Poisoning.

5—LAW.

to another with the intent to destroy or take the life of the person or persons to whom the same shall be administered, or do him, her, or them, an injury, or if any person or persons shall mix poison in water, food, drink, or medicine, with the aforesaid intent, the person or persons so offending, their aiders and abettors, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor not more than fifteen nor less than two years.

Sec. 2. Original section thirty-four of the above recited act to which this is an amendment is hereby repealed: Provided, that all offences committed while the section hereby repealed was in force shall be prosecuted and punished thereunder as if the same were not repealed.

Sec. 3. This act shall take effect on its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 8, 1861.

AN ACT

To provide for and regulate street railroad companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of natural persons, not less than five, associating to form a company for the purpose of constructing a street railroad, and become incorporated under this act, shall, under their hands and seals, make a certificate, which shall specify as follows: 1. The name assumed by such company, and by which it shall be known. 2. The name of the street, alley, or avenue, with a description of the locality thereon of each terminus of said road, and the names of the streets, alleys, and avenues or other public grounds, through which such road shall pass. 3. The amount of capital stock necessary to construct such road. Such certificate shall be acknowledged before a justice of the peace, and certified by the clerk of the court of common pleas, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office; and a copy thereof, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such company.

The certificate
of association.

General grant
of powers.

Sec. 2. That when the foregoing provisions have been complied with, the persons named as corporators in said certificate, and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects named in said certificate, in accordance with the provisions of this act; to make and use a common seal, and the same to renew or alter at pleasure—and do all needful acts to carry into effect the object of the incorporation. Such corporation shall be authorized to construct,

operate and maintain a street railroad, with single or double track, on the streets, alleys, or avenues, or other public ground specified in the certificate, with such side-tracks, turn-outs, offices, buildings and depots as they may deem necessary, between the points of termini named in the certificate, and transport thereon passengers and their packages and baggage.

Sec. 3. That sections five, six, seven, eight, nine and fourteen, of an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, A. D. 1852, are adopted, and made to be a part of this act: Provided, that where the words "action of debt" are used in said act, the same shall be taken and construed to be civil action; and that where public notice is required to be given, the same shall be by publication in a newspaper published in the city, town or village where the street railroad, or one part and terminus thereof, shall be located; and that such companies may borrow money at a rate of interest not exceeding seven per cent. per annum, and may execute a deed of mortgage, or other instrument of writing, to secure the payment of the loan of money so made, or the notes, bonds, or other evidences of indebtedness, that may be so issued therefor, which said mortgage, or other instrument of writing, may include the personal as well as the real property, and the franchises, including the franchise of being a corporation, of said company; said mortgage, or other instrument of writing, shall be recorded in the office of the recorder of the county in which said railroad is located.

Sections of existing law made a part of this act.

—under limitations and additional provisions.

Sec. 4. That whenever the lines of road of any street railroad companies meet or intersect, and have been or may be constructed so as to admit the passage of cars over such roads continuously, without break or interruption, they are hereby authorized to consolidate themselves into a single corporation, in the same manner provided for the consolidation of railroad companies in sections twenty-one, twenty-two and twenty-three of the said act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852; and the said sections are adopted and made to be part of this act.

Consolidation of companies.

Sec. 5. That hereafter, no street railroad shall be constructed or commenced until the consent of the city council or corporate authorities of the city, town or village wherein such road is to be constructed shall have been first obtained; and it shall be competent for the city council or corporate authorities of any city, town or village, to agree with any street railroad company, organized in pursuance of this act, or with any individual or company of individuals, desiring to construct a street railroad in such city, town or village, upon the manner and upon the terms and conditions upon which such corporation, individual or company of individuals, shall construct and operate a street railroad in such city, town or village: Provided, that no grant to occupy any street, lane or avenue, or public ground in any city of the first class, containing a population exceeding eighty thousand inhabitants, shall be made, except in accordance with sections fifteen and sixteen of an act passed March 3, 1860, relating to cities of the first class, having a population exceeding eighty thousand inhabitants.

Consent of corporate authorities of city to be obtained.

Sec. 6. That any association or company, of not less than five natural persons, who have organized under an act entitled an act to

How existing companies may avail themselves of this act.

provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, A. D. 1862, and have constructed a street railroad, may accept the provisions of this act, by a vote of a majority of the stockholders or shareholders of such association or company having constructed such road, at a meeting called after ten days public notice, given by posting notice in the principal business office of such association or company, and publishing notice in a newspaper published in the city, town or village where such road is constructed; which said vote and proceedings shall be recorded in the books of such association or company, and a copy thereof, under seal of such association or company, be forwarded to the secretary of state; and thereafter, such association or company shall be a body corporate under this act, subject to all the restrictions, requirements and regulations herein provided in operating and maintaining the street railroad of such company, and having and possessing all the rights, powers, privileges and benefits herein granted and conferred, the same as if originally organized and incorporated under this act: Provided that nothing contained in this section shall be construed to interfere with or impair any lawful obligation which may have been incurred by such company.

Location of road.

Sec. 7. Street railroads may be located and constructed in part within and in part without the limits of any city, town or village; and any road constructed within the limits of any city, town or village, may be extended without the limits thereof: Provided, that before such railroad shall be constructed upon any road, street, avenue, public way or ground without such limits, the company, or public officer, or public authorities, owning or having charge thereof, shall agree with the railroad company upon the manner and upon the terms and conditions upon which the same shall be occupied or used; but such agreement shall not be necessary to the crossing thereof.

Liability of stockholders.

Sec. 8. The stockholders of every company organized under this act, shall be liable for the dues of such company over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum equal in amount to such stock.

Sec. 9. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 10, 1861.

AN ACT

To amend the act to amend an act entitled an act defining the powers and duties of justices of the peace and constables in criminal cases, passed March 27, 1837, and the act amendatory thereto, passed March 7, 1842.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the justice issuing any warrant on the affidavit of any person, for an offense not punishable by confinement in the penitentiary, may, at his discretion, require such complainant to acknowl-

edge him or herself responsible for costs in case the complaint shall be dismissed, or in case that an information shall not be filed and prosecuted in the proper court, or a bill of indictment be not found against the person or persons charged with such offense, which acknowledgment of security for costs shall be entered on the docket of the justice, and the justice, on dismissal, is required to render a judgment against such complainant for the costs made thereon; and in case that no presentment is filed and prosecuted, or bill of indictment found against the person or persons held to answer for such offense, in the proper court at which such person or persons are held to answer, the clerk of such court shall certify that fact to the justice of the peace before whom such person or persons were held to answer, and thereupon said justice shall enter such certificate on his docket, and shall render judgment against said party complaining for the costs which have accrued upon the issue of such warrant—unless the justice shall be of the opinion that the complainant had reasonable grounds for instituting such prosecution; and in case said justice shall consider such complainant wholly irresponsible, such justice may, in his discretion, refuse to issue any warrant, unless the complainant procure some responsible security, to the satisfaction of such justice, for said costs, in case of such dismissal, failure to file and prosecute such complaint, or find bill of indictment in the proper court before which said person or persons are held to answer; and said security shall acknowledge himself so bound, and the justice shall enter it on his docket; provided, however, that in no such case shall costs be paid out of the county treasury.

Security for costs before hearing complaint.

Sec. 2. This act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 9, 1861.

AN ACT

To amend the 1st, 2d and 3d sections of an act entitled "an act requiring annual settlements by county officers," passed March 29, 1850.

Sw. & Or. 248.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, two and three of the above recited act be so amended as to read as follows: Section 1. It shall be the duty of the prosecuting attorney of each county in this state, to report to the county commissioners annually, on the first Monday of September, a certified statement of the number of criminal prosecutions, pursued to final conviction and sentence, under his official care, in the court of common pleas, during the year next preceding the time of making such statement, naming the party or parties to each, and the amount of fine assessed by the court in each case, and also the number of recognizances forfeited during the same period, and the amount collected in each case. Sec. 2. The clerk of the court of common pleas, in each county, shall report to the county commissioners on the first Monday in September annually, a certified statement of the

Report to county commissioners—prosecuting attorney.

—clerk.

—sheriff.

amount of fines assessed by the court in criminal cases, during the year next preceding the time of making such statement, and also the amount of fines collected during the same period, naming the party or parties to each case, together with the statement of the amount of funds paid by him, pursuant to law, into the county treasury, naming the source or sources from which such funds were derived; and he also shall pay over to the county treasurer, pursuant to the third section of an act entitled "an act for the disposition of unclaimed costs," passed March 18, 1839, all unclaimed costs in his possession, and he shall include in his statement the amount of such unclaimed costs so by him paid into the county treasury. Sec. 3. The sheriff of each county shall report to the county commissioners on the first Monday in September annually, a certified statement of all fines and costs in original prosecutions, collected by him on execution or otherwise, during the year next preceding the time of making such statement, and the amount of fines and costs so collected and paid over to the clerk of the court of common pleas, or to the county treasurer.

Sec. 4. [2.] That said original sections one, two and three, are hereby repealed, and this act shall take effect from its passage.

ED. A. PARROTT,

Speaker pro tem of the House of Representatives.

ROBERT O. KIRK,

President of the Senate.

Passed April 9, 1861.

AN ACT

To regulate the sale of railroads, and the reorganization of the same.

Conditions
and effect of
sale.

Repairs and
running ex-
penses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in case two-thirds in interest of the creditors of a railroad company, and two-thirds in interest of the stockholders of such company, shall agree, in writing, upon a plan for the readjustment or capitalization of the debt and stock thereof, then, upon judicial proceedings for the sale of the road, under a mortgage or mortgages, or a deed or deeds of trust, the court before which such proceedings may be had, shall proceed to render a judgment or decree against the company for the amount that may then be due and in arrear upon said securities, which judgment or decree shall, from its rendition, become a lien on all the property embraced in such securities, and upon all the franchises and powers of said company, including its franchise to be and act as a corporation, conferred by the charter and the amendments to the charter of such company; and, upon a sale had under such decree, and a purchase at such a sale by trustees, on behalf of the parties to such agreement, appointed by said agreement, all the said property so bound by the judgment or decree, including all the said franchises, shall vest in said trustees; provided that every such agreement shall provide that the unsecured debts of the company, incurred for repairs or running expenses, shall be paid in money or bonds of the reorganized company, as hereinafter provided—said bonds to be of the highest

clases issued; a copy of the terms of said agreement shall be filed in said court, before the rendition of said decree.

Sec. 2. That the said trustees shall, as soon as may be after the sale, call a meeting of the parties to the aforesaid agreement, by a notice signed by a majority of said trustees or of their survivors, and published not less than once a week, for four weeks, in a newspaper printed in the cities of New York and Philadelphia, and in another newspaper printed in each county on the line of the said railroad, specifying the day and place and object of such meeting; the place of such meeting to be on the line of such railroad; that at such meeting, each of the parties to the aforesaid agreement shall be entitled to vote according to the provisions thereof, but not exceeding one vote for every fifty dollars of the par value of the debt or stock of such party, according to a list of voters and of their respective interests, which shall be prepared by the said majority of the trustees, who are empowered to act as judges of the election; that such meeting, by a majority in interest of the persons present, in person or by proxy, shall be competent to retain or change the name of said corporation, to decide, for the time being, the amount of its capital, and the number of shares into which such capital shall be divided, to fix the number of directors and their term of office, to elect such directors—a majority of whom shall be residents of the state or states in which such railroad is situated—and to do all things necessary or proper to reorganize said corporation: Provided, that any creditor shall be entitled to become a party to the agreement aforesaid, either at, or at any time before the meeting, in this section provided for, and any stockholder shall be entitled to become a party to the agreement aforesaid at any time within one year after such meeting.

Notice of meeting.

Franchises.

Powers.

New parties.

Sec. 3. That a certificate, under the common seal of such corporation, specifying its name and the railroad which it is to hold, maintain and operate, shall be filed in the office of the secretary of state, and that a copy of such certificate, duly authenticated by him under the great seal of this state, shall, in all courts and places, be evidence of a compliance with all the conditions and provisions of this act, and of the due reorganization, and of the existence of the said corporation.

Certificate.

Evidence.

Sec. 4. Upon such reorganization, and a conveyance by the trustees, or of such of them as shall be vested with the legal title, or their survivors, all the railroad and other property and franchises and things purchased as aforesaid, and all the franchises, powers, faculties, privileges and immunities which were possessed or enjoyed by the original company, or by any company with which it had been consolidated, shall pass to and be vested in the said corporation as reorganized; and the same, and all property and things which the said reorganized corporation shall thereafter acquire, except as hereinafter provided, shall be taken, held and disposed of, for the use and benefit of the creditors and stockholders of the said corporation, who shall have become such upon and after such reorganization, according to their respective rights, but subject to the powers of the said corporation, and shall be in no wise chargeable in respect to any debt, liability, or claim of any creditor or stockholder, which subsisted prior to the sale and reorganization herein provided for; but all property of the original corporation not embraced in the said sale, shall, upon the reorganization, be vested in the said

Effect of sale.

Unsold property.

corporation as reorganized, in trust for all parties interested therein as creditors, stockholders or otherwise.

New corpora-
tion may as-
sume debts,

and mortgage
road

and fran-
chises,

and preferred
stock.

Bondholders
may vote.

Not individ-
ually liable.

Prior liens.

Lien and
clause.

Sec. 5. That said corporation shall likewise have power, at any time within six months after the reorganization, to assume such debts or liabilities of the original company, and to make such adjustments or exchanges with any bondholders of the original company, and any stockholder within one year, as to the said corporation may seem expedient, and may use for such purpose any bonds or stock which it may be authorized to issue or create; and it shall have power to make and issue said bonds, payable at such times and places, and bearing such rates of interest as it may deem expedient, not exceeding seven per cent. per annum, and to secure the payment of any bonds which it may issue or assume to pay, by mortgages or deeds of trust of its railroad, or any other of its property, real or personal, and to include therein with its road all its cars and other rolling stock and equipments, and any machinery, tools, implements, fuel, materials, and all other things then held or thereafter to be acquired, for the constructing, operating or repairing said road, or for repairing or replacing any of its equipments or appurtenances, as part and parcel of said railroad, and as constituting with said road one property, and to include in such mortgages or deeds of trust, all franchises held by said corporation, and connected with or relating to said road, and all other corporate franchises of said company; all which said franchises, including the franchise of being a corporation, in case of sale by virtue of any such mortgage or deed of trust, or of any judgment specified in section six, are hereby declared to pass to the purchasers, so as to enable them to reorganize the corporation in the manner herein provided, and shall also have power to issue capital stock to such aggregate amount as it may deem proper, not exceeding any limit which may be fixed by agreement with the trustees purchasing as aforesaid, and may establish preferences in respect to dividends, in favor of one or more classes of the said stock, in such order and manner as it may deem expedient, not exceeding such limit as may be fixed by agreement as aforesaid; and may, if authorized by the agreement mentioned in section one, confer on holders of any bonds which it may issue or assume to pay, such rights to vote at all meetings of stockholders, not exceeding one vote for every fifty dollars of the par amount of the said bonds, as may have been provided for in the agreement mentioned in section one, which rights, when once fixed, shall attach to and pass with such bonds, under such regulations as the by-laws may prescribe to the successive holders thereof, but shall not subject any holder to any assessment by the said company, or to any liability for its debts, or entitle any holder to dividends.

Sec. 6. The lien of the mortgages and deeds of trust authorized to be made by this act, shall be postponed to the lien of judgments recovered against said corporation after its reorganization, for labor thereafter performed for it, or for materials or supplies thereafter furnished to it, or for damages, for losses, or injuries thereafter suffered or sustained by the misconduct of its agents, or in any action founded on its contracts or liability as a common carrier, thereafter made or incurred.

Sec. 7. The provisions of this act shall extend and apply also to corporations whose railroads are partly within and partly without this state; and a corporation of this State, possessing such a rail-

road, shall have capacity to exercise without this state all its powers, privileges, faculties and franchises; and a corporation of another state possessing part of a railroad which is partly in such other state and partly within this state, may exercise and enjoy within this state all its powers, privileges, faculties and franchises, for the purpose of the said railroad and its business, not inconsistent with the laws of this state and the provisions of this act; and all mortgages and deeds of trust made by the said corporation upon its railroad, equipments or other property within this state, shall operate in the same manner and with the like effects as hereinbefore provided with respect to those corporations reorganized under this act: Provided that such part of the said railroad as is within this state shall be subject to taxation, and shall be subject to all regulations of law in the manner as railroads of this state in like cases, and the corporation owning the same shall be subject to all duties in respect thereto imposed by law, and to be sued and may sue in all cases, and in the same manner as a corporation of this state might be sued, or might sue.

Sec. 8. Railroads and other property mortgaged therewith by said road companies, may, if the court deem it expedient to be sold without appraisement at judicial sales under judgments upon such mortgage, but in such case, in order to prevent sacrifices and protect the interests of all concerned, the court shall fix a minimum sum, below which no such sale shall be made; and, in order to fix that amount, the court may, if it deem it expedient to do so, refer the subject to a master, with instructions to take testimony and report upon the sum. Appraisement.

Sec. 9. That in regard to bonds or stock held by the state of Ohio, counties, townships, cities, villages or other municipal corporations, or otherwise held in a fiduciary capacity, the governor, county commissioners, trustees, council, or other corporate body representing the state, municipal corporation, or persons holding in a fiduciary capacity, as executors or administrators, guardians, or otherwise, shall be and they are hereby authorized to become parties to such agreement, and to control, exchange or manage said bonds or stock according to the terms of the agreement, and to take and receive new bonds or stock to be issued in lieu of the original bonds or stock, which shall be held on the same terms and subject to all liens which attached to said original bonds or stock. Trustees may be parties.

Sec. 10. That any association or company of persons which has heretofore come into the possession of the road and other property of any railroad company within this state, by purchase under judicial proceedings, and in pursuance of any agreement for the capitalization of the debts and stock of such railroad company (to which a majority in interest of the creditors and of the stockholders of such railroad company were parties,) and which may now be re-organized under any law of this state, may accept of the provisions of this act, by a vote of a majority interest of its stockholders under such re-organization, at any meeting convened upon notice for that purpose, and upon such acceptance, may re-organize, as provided in this act; and such re-organized company shall be invested with all the powers, privileges and immunities conferred, and subject to all the restrictions imposed by this act, to the same extent as if such re-organization had been originally under this act, and a copy of the resolution of acceptance, as aforesaid, attested by the signature of the president and the seal Prior sales.

of the corporation, shall be filed in the office of the secretary of state, and a copy thereof duly authenticated by him under the great seal of this state, shall be due evidence of such acceptance, and all stockholders and creditors who have not participated in the agreement for capitalization heretofore made, shall have the right to participate in the benefits of such agreement at or before the meeting which shall be convened upon notice for the purpose of accepting the provisions of this act, as provided in this section, in the same manner and to the same extent as if they had participated in and accepted of the terms of such agreement for capitalization in the manner provided by any law under which such capitalization has heretofore taken place.

Sec. 11. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 11, 1861.

AN ACT

Further to amend "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852, and to regulate railroad companies.

Requirements
as to carrying
freight and
passengers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall not be lawful for any railroad company within this state, whose road forms part of any line of railways between points common to any other line, to contract or agree with any person, or with any other railroad company or companies having a road or line of roads, or forming a part of any line of roads between the same points, not to carry freight or passengers to or from such common points, nor shall it be lawful for such company to refuse to receive or carry any freight or passengers brought to it or them to be so carried.

Equalization
of charges.

Sec. 2. When the railroad of any company being a trunk road, shall at or near the same place, connect with, or be intersected by, two or more other railroads which are competing lines for the business to or from such trunk railroad, the company operating such trunk road shall carry passengers and freight, and shall charge and receive only the same, and no more, for transporting passengers or freight, going to or coming from each one of such connecting or tributary roads or line of roads, for like services rendered, as for another.

Penalty for di-
verting
freights.

Sec. 3. Each and every railroad company in this state shall ship all freights that may come within its control, by the railroad or railroads over which the same may have been ordered to be conveyed by the shipper thereof; and any railroad company whose agent or agents shall knowingly divert, or permit to be diverted, any freights that may come under his or their control, from the railroad or railroads over which the same may have been ordered to be conveyed, as aforesaid, shall forfeit and pay to the railroad company or companies from which said freights have been so diverted, three times the amount received for transporting such freights, and such agent

or agents shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than thirty days, or both, at the discretion of the court: Provided, that the provisions of this act shall in no way interfere with any lawful obligations heretofore entered into by any railroad company.

SEC. 4. On complaint of the violation of any of the provisions of this act, by petition as in other actions, the observance of the same may be enforced by injunction; and the party so violating said provisions, or any of them, shall be liable in damages to the person or company injured, for the injury sustained in consequence thereof.

SEC. 5. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 11, 1861.

AN ACT

To encourage and secure the safe keeping of the public arms in the hands of volunteer companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each company of the Ohio volunteer militia which has given, or shall hereafter give, bonds for public arms, and otherwise complied with the laws and regulations governing such companies and the issue of public arms, shall for the care of said arms, and the rent of armories required by law, be entitled to receive annually five dollars for each uniformed member of said company, under the provisions and limitations hereinafter established.

Amount each company entitled to receive.

SEC. 2. That the commandants of companies shall, on or before the first day of April of each year, furnish the adjutant-general with the name and post office address of each uniformed member of said company, and report each addition to said company within one month after such new member is uniformed.

Reports of commandants to adjutant general.

SEC. 3. That the commandants of companies shall record and report in their returns required by law, all attendances at legal days of muster, all unexcused absences, all arrearages in respect to statutory fines, all abuses of the public arms, and all cases of intemperance when on duty, the same to be embodied in the annual report of the commandant of brigade, and to be forwarded on or before November first of each year to the adjutant-general. Said report shall specify all deaths and removals, and whether the interest of the state will be subserved by the retention by said company of arms for the coming year.

Returns of same required by law.

SEC. 4. That the adjutant-general shall check off all names not found upon his books, all deaths and removals, all delinquents in respect of statutory fines, all who have been twice absent without excuse from legal musters, all reported as intemperate on a day of public duty, and all who stand reported for abuse or neglect of the public arms in their charge, and the sum of five dollars allowed by

Names to be checked off.

the first section shall not be paid in respect to the names so checked off.

Draft of money
—how made.

SAC. 5. That the adjutant-general shall certify to the governor the amount to which each company is entitled, and upon such certificate, indorsed by the governor, the auditor of state shall draw his warrant for the amount.

How expend-
ed.

SAC. 6. That the moneys so certified shall be drawn by the commanders of companies, or their authorized agents, and be paid into the company treasury, to be laid out in the care of arms, the rent of rooms, and the other expenses to which each company is legally subjected: Provided, that where regimental organizations have been effected, said regiment, its officers and treasurer, shall enjoy all the privileges and rights which herein belong to a single detached company.

False returns.

SAC. 7. That it shall be deemed a misdemeanor, under the act of March 7, 1835, defining grand larceny, for any person knowingly to make false returns, and procure the money thereon.

Who entitled
to benefits of
this act.

SAC. 8. That no payment shall be made before November first of each year, and in case the number then reported by the adjutant-general shall not exceed the aggregate of six thousand men, by more than forty men, or one company, the total number so reported shall be the number entitled to the benefits of this act, and shall be paid in the order of their organization. As soon as practicable after the passage of this act, the adjutant-general shall report to the commander-in-chief the number of existing organized and unorganized companies of the volunteer militia, and their aggregate of officers and men, and the new companies shall be constituted of infantry, cavalry or artillery, as the best interests of the service shall, in the judgment of the commander-in-chief, require. And upon the passage of this act the commander-in-chief shall apportion through the state the companies to make said aggregate of six thousand men substantially as follows, viz.: to counties having a population of 100,000 inhabitants and upwards, not to exceed two regiments of infantry, taking the minimum company standard of forty men as a basis; to counties having a population of 50,000 inhabitants, and less than 100,000, not to exceed one regiment of infantry; to counties having a population of 40,000 inhabitants, and less than 50,000, not to exceed a battalion of five companies of infantry; to counties having a population of 30,000, and less than 40,000, not to exceed a battalion of three companies; and to other counties in proportion to number and density of population, based upon the census of 1860, and in such manner as to secure regimental or battalion organizations in each of the divisions so far as practicable; and provided, that after the 1st of April, 1861, when the returns contemplated by this act are received by the adjutant-general, in case no county has organized its maximum number of companies, and applications are made for the organization of additional companies in counties not having a full battalion organization, such additional companies may be so organized until a complete battalion is formed.

Apportion-
ment.

Artillery com-
panies.

SAC. 9. In the return of artillery companies consisting of a full complement of twenty men, if the company and other legal parades have been made, with full complement of horses as well as men, such company shall receive the sum allowed to the minimum number of men necessary for an infantry company, and in proportion if their

numbers are less than twenty men, to meet the increased expense incidental to the care of cannon, rent of armory and gun room, and the care of small arms to them issued.

Sec. 10. This act shall take effect on and from its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 12, 1861.

AN ACT

pplementary to the act passed May 3, 1859, to provide for the organization of cities and incorporated villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any incorporated village which at the last federal census had a population of not less than two thousand inhabitants, shall have power to purchase a site and to erect and maintain a village prison, and for the purchase of the site and the erection of the prison they may, for not more than three years, levy a tax not exceeding one mill on the dollar valuation of the taxable property of said village. The prison to be in the keeping and control of the village marshal, under such rules and regulations as the council shall prescribe. It shall be his duty to provide all persons confined therein with necessary food during their confinement, and the costs thereof, not exceeding twenty-five cents per day to each person, to be paid out of the treasury and taxed in the bill of costs. The council may, by ordinance, provide for the keeping of persons, convicted and sentenced to hard labor, during the term of their imprisonment, at such place or places within the corporation as the said council may determine. Village prison.

Sec. 2. The council of every such incorporated village shall have power to provide by ordinance for the summoning and impanneling of juries by the mayor of the village: such juries shall have the qualifications of juries in the court of common pleas. Jurors and witnesses in all prosecutions before the mayor, for violations of the village ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal in such cases shall be provided for by ordinance, all of which fees, in case of conviction, shall be taxed against the parties convicted; and in case of acquittal, shall be taxed against the village, and (except the fees of the mayor and marshal) shall be paid out of the village treasury upon the certificate of the mayor. The mayor shall have exclusive jurisdiction in all prosecutions for violations of the village ordinances, with full power to hear and determine the same, where a jury is not demanded, in cases where it may be properly claimed; he may award and issue any process that may be necessary to enforce the administration of right and justice throughout the village, and for the lawful exercise of his jurisdiction, according to the usages of law. Jurors and witnesses— fees, &c. Jurisdiction of mayor.

Offenses under
ordinances of
council.

SEC. 3. That the council of any incorporated village having the population named in the first section of this act, shall have power to provide by ordinance for the punishment of persons disturbing the good order and quiet of the village, by clamor and noise in the night season, by intoxication, drunkenness, fighting, using obscene and profane language in the streets or other public places, to the annoyance of its citizens, or otherwise violating the public peace by indecent and disorderly conduct, or by lewd and lascivious behavior; and they shall have power, in like manner, to provide for the punishment of disturbers of the peace, common prostitutes, pickpockets, burglars and thieves, watch-stuffers, and persons practising any trick or game, with intent to swindle, and persons who abuse their families; and such punishment may be either by imposing and collecting fines, or by imprisonment at hard labor, or both, at the discretion of the court: Provided, that no such person shall be fined for a single offense to exceed fifty dollars, and that such imprisonment at hard labor for the first offense, shall not exceed thirty days; and for the second, or any further repetition of the same offense, not exceeding sixty days. They shall have power to provide that all persons who shall refuse or neglect to pay the fine imposed on conviction of any offense, together with the costs of prosecution, shall be imprisoned and kept at hard labor, until at the rate of one dollar for each day's labor, exclusive of Sundays, they shall have earned an amount equal to such fines and costs, but not exceed the time above named. They shall also have power to make suitable regulations to conduct such labor to the best advantage, and in a manner consistent with the proprieties due to age and sex, and a just regard to the health of the prisoners.

SEC. 4. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 10, 1861.

AN ACT

To provide for a uniform standard of weights and measures.

Standard
established.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be but one standard of measure, of length, and of surface, one of weight and one of measure of capacity, throughout this state,

SEC. 2. That the standard of weights and measures furnished the state of Ohio by the secretary of the treasury of the United States, under a resolution of congress, approved June fourteenth, one thousand eight hundred and thirty-six, shall hereafter be the legal standard of weights and measures in this state.

SEC. 3. That all articles usually sold by heaped measure, shall be heaped up in a conical form as high as the articles to be measured will admit.

And notice is hereby given that the whole of said several tracts, lots, or parts of lots, or so much thereof as will be necessary to pay the taxes and penalty charged thereon, will be sold by the county treasurer, at the court-house in said county, on the third Tuesday in January next, unless said taxes and penalty be paid before that time, and that the sale will be continued from day to day until the said several tracts, lots, and parts of lots, shall have been sold or offered for sale.

[Date of notice.]

_____, County Auditor.

Section 53. There shall hereafter be allowed to the publishers of newspapers for advertising the delinquent and forfeited lists of the several counties, and the notice of sale, a sum not exceeding the following rates :

For the notice of sale, ten dollars ; for designating the several townships, villages and cities, and the several wards in any city, fifty cents each ; and for each tract of land, city or town lot, or part of lot, contained in each of said lists, thirty cents : Provided, that in no case shall a greater sum than one-half of the taxes and penalty due on any tract, lot, or part of lot, be allowed for advertising such tract, lot, or part of lot ; and no such property shall be published in said list as delinquent on which the taxes and penalty shall have been paid on or before the twentieth day of December.

Fees for publication of delinquent or forfeited list.

SEC. 2. Original sections numbers twenty-three, forty-eight and fifty-three are hereby repealed, and this act shall take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 30, 1862.

AN ACT

To punish the offense of injuring or destroying orchards, forests, groves, and other trees, of the value of thirty five dollars or upwards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall willfully and maliciously, and without lawful authority, box, bore, bark, girdle, saw, cut down, injure or destroy any fruit, ornamental, shade, or other tree or trees, standing or growing in any orchard, nursery, grove, or forest, the property of another, of the value of thirty-five dollars or upwards, every such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years, nor less than one year, and shall moreover be liable to the party injured in double the amount of damages by him sustained.

Injuring or destroying fruit or other trees.

Penalty therefor.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

Fees.

Sec. 12. That each sealer shall be allowed to receive for his services at and after the following rates: For sealing and marking every beam, ten cents; for sealing and marking measures of extension, at the rate of ten cents per yard, not exceeding twenty five cents for any one measure; for sealing and marking every weight, five cents; for sealing and marking liquid and dry measures, if the same be of one gallon or more, ten cents, and if less than one gallon, five cents; and a reasonable compensation for marking such weights and measures so as to conform to the standards established by this act.

Delivery to successor.

Sec. 13. That whenever any county sealer shall resign, be removed from office, or remove from the county, it shall be the duty of the person so resigning, removed, or removing, to deliver to his successor in office all the standards, beams, weights and measures in his possession; and in case of the death of any such sealer of weights and measures, his representatives shall, in like manner, deliver to his successor in office such beams, weights and measures.

Penalty for refusal.

Sec. 14. That in case of a neglect or refusal to deliver such standards entire and complete, the successor in office may maintain a civil action against the person or persons so refusing or neglecting, and recover double the value of such standards as shall not have been delivered, with costs of suit, and shall be retained by the person recovering the same, and shall be by him appropriated to the purchase of such standards as may be required in his office.

Surveyor's chains.

Sec. 15. That no surveyor shall give evidence in any cause pending in any of the courts of this state, or before arbitrators, respecting the survey or admeasurement of any lands, unless such surveyor shall make oath, if required, that the chain or measure used by him was conformable to the standards of this state.

When act not to be enforced.

Sec. 16. That the provisions of sections fifteen and twenty of this act, shall not be enforced in any county, unless such county shall have been furnished with copies of the standards of this state by this act established, at least six months previous to the measuring or surveying mentioned in those sections.

Deputies.

Sec. 17. That every county sealer of weights and measures shall be authorized and empowered to appoint, by writing, under his hand and seal, a deputy, whose duty it shall be to compare weights and measures, brought to the office of the county sealer for that purpose, with the above mentioned copies of the original standards in the possession of said county sealer, and who shall receive for the performance of that duty the compensation in each case provided by the twelfth section of this act.

Appropriation for copies furnished counties.

Sec. 18. That the state sealer, whose duty it is made to procure and deliver said copies to county sealers, shall present his account to the state auditor for all sums by him paid, and liabilities incurred, in procuring and delivering the same, and for his services rendered therein; and the auditor of state shall audit the same, and draw his order upon the state treasurer in favor of the state sealer, for the amount which he finds due, and the treasurer of state shall pay the same out of any money in his hands belonging to the general revenue fund.

Copies now in possession of counties.

Sec. 19. That the copies of the standards now in possession of the state sealer, which were made and delivered to the several county auditors, in pursuance of an act entitled "an act to provide for a uniform standard of weights and measures," passed February 21, 1846, are hereby declared to be legal standards for said counties.

SEC. 20. That if any person or persons shall hereafter use any weights, measures or beams, in weighing or measuring, which shall not conform to the standards of the state established by this act, or any other measures established by law, whereby any dealer in, purchaser or seller of, any commodity or article of traffic shall be injured or defrauded, such dealer, purchaser, or seller, may maintain a civil action against the offender, and if judgment be rendered for the plaintiff, he shall receive double damages and costs of suit: Provided, that nothing in this section shall apply to the buying or selling of stone coal, cokes, unslaked limes, or any of the commodities enumerated in an act entitled "an act to establish a uniform standard of weights and measures," passed April 5, 1859.

Penalty for
using false
weights or
measures.

SEC. 21. That an act entitled "an act passed February 24, 1848, to amend the act to provide for a uniform standard of weights and measures," passed February 21, 1848, is hereby repealed.

SEC. 22. This act shall take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 11, 1861.

AN ACT

To enroll the militia of the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county auditors of the several counties of this state shall instruct the assessors of the several townships and wards of cities, to perform all the duties required of them by this act. That it shall be the duty of the township assessors of the several townships, and the assessors of the several wards of the several cities, to prepare a list of all persons subject to military duty, in their respective wards, townships, or districts, save and except members of uniform volunteer companies, at the time of making the annual assessment of the property, in the year 1861, and thereafter at each time of taking the census of white male inhabitants, as provided by law, which list should be deposited in the auditor's office of the proper county; and it shall be the duty of such auditor, annually, on or before the first day of November, to return an accurate copy of such records of enrollment to the adjutant general of the state, to be by him filed in his office, and an abstract of the aggregate number of persons so returned shall be forwarded by the adjutant general of the state to the war department at Washington city, on or before the first day of January of each year; and if any assessor shall neglect, or from any cause omit to perform his duties, the other assessors, or either of them, of the city, town or ward, shall perform such duties. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and every master and mistress of any dwelling house shall, upon the application of any assessor, give information of the names of all persons residing or lodging in

List of persons
subject to mil-
itary duty.

such house liable to be enrolled, and all other information concerning such persons as such assessor may demand. If any person of whom information is required by any assessor, in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he shall forfeit and pay not more than ten dollars for each offense. Any person who shall refuse to give his own name, and proper information, when applied to by any assessor, or shall give false name or information, shall forfeit and pay a like sum, such penalties to be recovered in any court of competent jurisdiction in the name of the state of Ohio; and it is hereby made the duty of the assessors to report the names of all persons who may incur any penalty in this section prescribed, to the commandant of the brigade in which they reside. All moneys collected under the provisions of this act shall be paid to the county treasurer, and go to the military fund of said county.

Militia of the
reserve.

Sec. 2. That besides the active militia, there may be organized from the militia of the state, enrolled under the last or any future enrollment, a militia of the reserve, as follows, viz: whenever forty or more members of the enrolled militia shall forward to the adjutant general their enlistment-roll, similar in general features to that for the organization of the active militia, except it may be for a period not less than one year, he shall make record of the same, and cause the brigadier general of the brigade wherein said enrolled militia are citizens, to order an election for officers of said companies, and said election shall take place as provided for election for officers of the active militia, except that said company may elect their own judges and clerk of election; and immediately upon said election and its returns to the adjutant general, commissions shall issue to the officers elect, as of the militia of the reserve; and whenever the public service requires a larger force than the active militia, said militia of the reserve shall be the portion of the enrolled militia first called into such service.

Rank when
called into ser-
vice.

Sec. 3. When called into service, said militia of the reserve shall be attached to such battalions or regiments as the commander-in-chief shall direct, and upon being so attached and uniformed shall be commissioned as active militia, and they shall rank as such therefrom: Provided, that among different companies of said militia of the reserve so called into service, their relative rank shall be determined by the date of their first enlistment.

Transfer into
active service.

Sec. 4. That the transfer of companies into the active militia shall be, by order of the commander-in-chief to the brigadier general of a given brigade, directing what companies within his brigade limits shall be so transferred, whereupon said companies shall become parts of given regiments or battalions, the same as if originally enlisted as active militia.

Officers.

Sec. 5. The officers of said militia of the reserve, and of the active militia hereafter commissioned, shall consist of the following, viz: for infantry and cavalry, of one captain and two lieutenants, and for artillery, one captain and one lieutenant.

Division and
brigade courts.

Sec. 6. That division courts shall be held during the month of October of each year, for the assessment of fines and other cause, upon the same basis prescribed for the brigade courts now authorized by law, and with like powers, two weeks notice being first given of the holding of said court; and in cases where no encampment has been held, there shall also be a brigade court called upon

like notice, during the month of October, the same as in cases provided for by law where an encampment has first been held.

Seco. 7. It shall be the duty of the adjutant general to furnish **Forms.** the auditor of each county of this state with a blank form for the returns required by this act.

Seco. 8. That this act shall take effect from its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 12, 1861.

AN ACT

To amend the act entitled "an act for the further organization and discipline of the militia and volunteer militia," passed March 23, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second brigade of the first division shall include within its bounds the townships of Anderson, Springfield, Sycamore, Symmes and Columbia; and that the third brigade shall include within its bounds the townships of Millcreek, Spencer and Cincinnati. **2d brigade of 1st division.**
3d brigade.

Seco. 2. That the new military division of the territory of the state, prescribed in the sixth section of the act to which this is an amendment, shall be carried into effect by the adjutant general as soon as vacancies, for any cause, shall occur; and failure of commissioned officers to uniform within the time enjoined by law, shall be deemed to have created, and shall create such vacancy; and the new divisions shall correspond to the judicial districts, and the new brigades shall correspond to the judicial sub-districts: Provided, that the commander-in-chief may attach contiguous counties of different divisions, temporarily, when he shall deem the same best, and reduce the number of brigades in the tenth judicial district to two: Provided, that the present number of brigades of Hamilton county shall remain, and that this change shall not deprive general officers, who have already fully uniformed, from retaining the command of so much of their new district as accords with the said new territorial divisions of the state. **General provisions.**

Said section six, of an act entitled "an act for the further discipline of the militia and volunteer militia," passed March 23, 1859, is hereby repealed.

Seco. 3. That the field musicians and regimental bands shall be enlisted in their respective corps, be inspected and returned, and be subject to the same laws and regulations that govern the other members of the volunteer militia. **Bands.**

Seco. 4. That the general regulations heretofore authorized by law, for the better organization of the militia, and such as are issued pursuant thereto, shall have the same force and effect as the provisions of the statutes passed for that purpose. **General regulations.**

Seco. 5. That the commander-in-chief may, if he shall deem the same advisable, order a camp of instruction to be held once a year for four days, during the period of legal encampments, at which **Camp of instruction.**

time the officers of the volunteer militia, or the officers and all other members of said militia, shall be drilled in the school of the soldier and the details of their respective duties; and section three of the act entitled "an act for the further discipline of the militia and volunteer militia," passed March 23, 1859, and providing a camp of instruction for officers only, is hereby repealed.

Sec. 6. This act shall take effect on its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 13, 1861.

AN ACT

To amend an act entitled an act further to prescribe the duties of county commissioners, passed April 8, 1856, and amended February 26, 1857.

Sw. & Cr. 251.

Annual report.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of an "act entitled an act further to prescribe the duties of county commissioners, passed April 8, 1856, as amended February 26, 1857," be so amended as to read as follows: Sec. 7. It shall be the duty of the county commissioners annually, on or before the second Monday of September, to make a detailed report, in writing, to the court of common pleas of the county, of their official transactions during the year next preceding the time of making said report, giving an accurate statement of the financial affairs of the county, which shall be printed at the expense of the county as directed by the court to whom the same is made; and the court shall cause the same to be investigated and examined by two suitable persons, to be appointed by the court and the prosecuting attorney of the county, who, in case of any violation of law, is hereby directed to cause the same to be prosecuted according to the nature of the case.

SEC. 2. That said section seven be and the same is hereby repealed.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 16, 1861.

AN ACT

Relating to the militia of Ohio, mustered into the service of the United States under any requisition of the president thereof.

Organization of companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all companies of infantry, light infantry or ride, organized in this state to volunteer into the service of the United States, under any requisition of the president thereof, shall consist of not less than seventy men rank and file; and all companies of cavalry,

organized for a like purpose, shall consist of not less than sixty men ; and all companies of artillery, organized for a like purpose, shall consist of not less than one hundred men. All such companies shall be entitled to elect as the commissioned officers thereof, one captain, and one first and one second lieutenant.

Sec. 2. The companies so volunteering shall be organized into regiments consisting of not less than ten companies each ; every such regiment shall be composed exclusively of infantry, light infantry or rifle, cavalry or artillery, to be officered according to the laws regulating the militia in force at the time ; and in the absence of any law of the United States to the contrary, shall be appointed by the governor into brigades, and placed under the command of such brigadiers general in commission within the brigades from which such regiments may be organized, as the governor shall designate. And the governor shall also have power to organize such brigades into a division or divisions, and to designate the major general or major generals from among those in commission, to take the command of such division or divisions. —regiments.

Sec. 3. The militia accepted by the governor under the provisions of this act, shall, from the time of such acceptance, draw the same pay as the like grades of rank in the army of the United States. Pay.

Sec. 4. This act to be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 17, 1861.

AN ACT

To provide gas for lighting the penitentiary, and other state buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized and required to contract immediately with the Columbus Gas and Coke Company, for the purchase of such quantity of gas, to be supplied to all the state institutions in or near the city of Columbus, and to the state house, as from time to time may be needed by said institutions and state house, for and during the period of two years from and after the date of such contract, at a price not to exceed two dollars and fifty cents per thousand cubic feet ; to be measured at the buildings where used.

Sec. 2. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 17, 1861.

AN ACT

Supplementary to an act relating to cities of the first class, having a population exceeding eighty thousand inhabitants, passed March 5, 1866.

General plan
of sewerage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it may become necessary, in the opinion of the city council of any city of the first class, containing a population exceeding eighty thousand inhabitants, to provide a thorough and complete system of sewerage and drainage for such city, it shall be the duty of the board of city improvements of said city to devise and form, or cause to be devised and formed, a plan of drainage and sewerage of the whole city, upon a regular system, for the purpose of draining and carrying off the water and filth proper to be carried off by sewers, for the health and convenience of the inhabitants of said city. The plan so devised shall show the general location, size, direction and inclination of each sewer and drain, whether main or lateral; the depth of the same below the surface, and the connections with other sewers and drains, and such other particulars as may be necessary and proper for the purpose of presenting a complete and entire plan of such sewerage and drainage. Such general plan being formed with a view to the division of said city into sewer districts, to consist of a main or principal sewer, having its outlet in a river or other proper place of outlet, and of all branches of such main sewer and the collateral or inferior sewers running into such main or principal sewer; said districts to be each so arranged as to be independent of each other as far as may be.

Details.

SEC. 2. After such general plan shall have been prepared and adopted by the board of city improvements, it shall be the duty of said board to designate such sewer districts as may be required for immediate use, and have detailed plans and specifications prepared for the construction of the sewers and drains in the same, showing the exact size, location and inclination of such sewers and their various connections and branches; and when such district or districts are so arranged, it shall be the duty of said board to give at least twenty days notice, in one or more newspapers of general circulation in the city, stating the boundaries of such district or districts, and that such plans have been prepared and are filed in the office of said board for the purpose of examination and inspection of parties interested in sewerage and drainage of such district or districts, and receiving the views, suggestions and objections, if any, of such parties as may be interested in such drainage. At the time specified in said notice, said board of city improvements shall hear said parties, or at any adjourned meeting then and there proclaimed, and said board shall thereupon amend and correct the same, if they deem proper, and file a copy thereof, so amended and corrected and duly certified by them, in the office of the city clerk, and a similar copy in the office of the city civil engineer, returning [retaining] the original in the office of said board, whereupon the plan or part thereof therein set forth and adopted, shall be the permanent plan of sewerage for such district or districts, or parts thereof so designated.

Construction.

SEC. 3. After the plan of sewerage for any district or part thereof shall have been finally arranged and approved by said board of city improvements, and duly filed in the manner provided in the foregoing section, the city council of such city shall have

power to provide by ordinance to require said board of city improvements to cause to be constructed the sewer or sewers specified in such plan, and shall have power to assess a charge on any lot or lots of land bounding or abutting on any street, lane, alley, market place, public landing, or common, through or under which any of said sewers or drains may be laid, for defraying the cost and expenses thereof, which charge shall be in proportion to the front feet of the lot or lots of land so bounding or abutting, and shall be binding on the owner or owners of such lot or lots personally, and shall also be a lien on such lot or lots as against any owner or owners, or any person or persons claiming any interest whatever therein, and the amount of such charge may be recovered by suit before a justice of the peace, or other court of competent jurisdiction, against such owner or owners, in the name of said city, or in the name of any person or persons who shall, under any contract with said city, be entitled to demand the same; and such lien may be enforced by proceedings in any court of the county having jurisdiction in similar cases, and any of said courts shall have and take jurisdiction of any such proceedings or action, and proceed as in other cases.

Sec. 4. The basis of the assessment for any district or portion of a district, through and in which sewers or drains may be laid and built in accordance with this act, shall be determined by taking the total cost of constructing the main and collateral sewers and drains, and the necessary appurtenances, inlets, etc., and dividing such gross amount by the number of front feet on each side of the street, lane, alley, common, market-place, or public landing, through or in which said sewers and drains may be laid, the quotient forming the amount to be assessed per front foot for each side of said street, lane, alley, common, market space, and public landing aforesaid, as a charge for the cost or expenses in and for the construction of said sewers and drains, and their necessary appurtenances, in such district or portion of district: Provided, however, such amount per front foot does not exceed the sum of one dollar and fifty cents on each side of said street, lane, alley, etc.; and when the amount of such quotient exceeds this sum, the excess is to be paid out of the general fund of said city.

Assessment.

Sec. 5. Whenever the improvements contemplated by this act shall have been ordered by the city council of said city, an ordinance shall be passed to provide for the same, which ordinance, unless there be a petition signed by a majority of the owners of the property on which the cost of such improvement shall be a charge, shall require for its passage a vote of two-thirds of all the members of the city council, and which ordinance shall specify the street, lane, alley, market space, public landing, or common, or part or parts thereof so to be sewer and drained in such manner, that it may be ascertained, by an examination or survey, which lot or lots of land bound or abut on the same, and thereupon the said city council shall cause a plat and estimate to be made and filed in the office of the city auditor of said city, of the lots so bounding or abutting, the front feet of each lot; and whenever the costs and expenses of such improvement shall have been ascertained, the said city council shall declare by ordinance the charge on each front foot according to such plat and estimate and the provisions of this act, and the time within which the same shall be paid into the city

Ordinance to provide for.

treasury, or to the person or persons entitled to receive the same, under any contract with the city, as the case may be; and if the amount so charged be not paid within such time, interest at six per cent. for cost of collection may be demanded and recovered in the manner hereinbefore provided as part of the charge on such lot or lots and on the owner or owners thereof; and it is further provided, that in any proceeding against any such owner, if it shall appear that by reason of any irregularity or defect whatever in the proceedings of the board of city improvements or the ordinance, plat, or estimate aforesaid, the amount purporting to be due is not properly recoverable, still, on proof that the defendant was, at the time the materials were furnished and the work done, the owner of such lot or lots, so much of the worth or value of such work and materials, not exceeding the price agreed to be paid therefor, as according to the proportion aforesaid should have been charged on such lot or lots, may be recovered; but in such cases, the court may adjudge as to costs, as may be deemed equitable and proper.

Use for adjacent property.

SEC. 6. Parties owning property abutting on streets in which said sewers and drains are constructed, shall have the privilege of tapping and using the same for the purpose of draining their premises, under such rules and regulations as may be prescribed by said board of city improvements, who may prescribe a fee for opening and making such connection with any sewer and drain, and an annual rental therefrom to be paid said board, and by them to be paid to the treasurer of said city to the credit of the sewer fund.

Tax to be levied by city council.

SEC. 7. That in all cases where the city council of any such city shall have heretofore caused to be constructed any sewer or sewers, which shall be adopted and used as a main or principal sewer, according to the plan of drainage and sewerage devised by said board of city improvements, the said city council shall levy and assess a charge in the mode provided in this act, to defray the costs and expenses of constructing the same, which charge shall be collected by said city in the name of said city, in the manner provided for in this act: Provided further, that the amount of said charge shall not exceed the limits herein fixed.

Additional powers.

SEC. 8. That in addition to the power of taxation given by the first section of the act to which this is supplementary, the said city council shall have power to levy on each dollar of assessed value of the taxable property of such city, to further defray the expenses of lighting the same, an additional half mill annually.

Investment of sinking fund in state loan.

SEC. 9. That the city council of any such city having a sinking fund, shall have power to order its sinking fund to be invested in the certificates to be issued by the commissioners of the sinking fund of the state, under the act entitled "an act to provide for the defense of the state, and for the support of the federal government against rebellion," passed April 18, 1861.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 12, 1861.

AN ACT

To provide for the defence of the state, and for the support of the federal government against rebellion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated the sum of four hundred and fifty thousand dollars, for the purchase of arms and equipments for the militia of the state, to be expended under the authority and direction of the governor, and audited and paid upon accounts certified and allowed by him.

Arms and equipments,
\$450,000.

SEC. 2. That there be and hereby is appropriated the further sum of five hundred thousand dollars, to be expended under the direction and authority of the governor, for carrying into effect any requisition of the president of the United States to protect the federal government.

Support of federal government,
\$500,000.

SEC. 3. That there be and hereby is appropriated and placed under the control of the governor, as an extraordinary contingent fund, the further sum of fifty thousand dollars, to meet the emergencies arising out of the present condition of the country.

Contingent,
\$50,000.

SEC. 4. That for the purpose of paying the appropriations in this act contained, the commissioners of the sinking fund be and they are hereby authorized and empowered to borrow, on the faith and credit of the state, such sum and sums of money, not exceeding in the aggregate seven hundred and fifty thousand dollars, as may be ascertained by the auditor of state, and from time to time certified to them, to be necessary to meet the aforesaid expenditures.

Loan,
\$750,000.

SEC. 5. Whenever it shall become necessary to borrow any sum of money under the authority of this act, the commissioners of the sinking fund shall take such measures, and give such public notice by advertisement and otherwise, as in their judgment may be needful to enable them to obtain the same without unnecessary delay; and for the moneys so borrowed, the commissioners shall issue certificates to the proper parties, payable at the treasury of the state at such time and times as they may deem proper, but not longer than five years from the first day of May, A. D. 1861. The certificates so issued shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually at the state treasury, on the first day of May and the first day of November in each year, and shall not be subject to any tax or assessment levied under the authority of this State. To enable the commissioners of the sinking fund to carry out the provisions of this act, the sum of five thousand dollars is hereby appropriated for that purpose, out of any funds in the state treasury.

The loan—
notice.

—certificates.

—interest.

Appropriation, \$5,000.

SEC. 6. That for the purpose of raising the money necessary to repay the amount that may be borrowed under the authority of this act, and the interest thereon, and to meet the expense that may be incurred by the state and necessary for the support of the federal government and the maintenance of the honor of this state, there be and hereby is levied a tax of seven-twentieths of one mill on the dollar of the taxable valuation of property on the grand duplicate of the state for each of the years 1861, 1862, 1863, 1864 and 1865, the proceeds of which are hereby irrevocably pledged to the purposes aforesaid.

Levy.

SEC. 7. This act shall take effect and be in force upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 18, 1861.

AN ACT

To fix the standard of a ton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a ton shall consist of two thousand pounds: Provided, that this act shall not apply to pig iron and iron ore.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 13, 1861.

AN ACT

To authorize the township trustees to examine the books, vouchers and moneys in the township treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the books, accounts and vouchers of the township treasurer, and all moneys remaining in the treasury, shall at all times be subject to the inspection of the township trustees, and it is hereby made the duty of said trustees to make such examination at least once in each year, or cause it to be done by some competent person, whom they shall appoint.

SEC. 2. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 19, 1861.

AN ACT

Supplementary to an act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847.

German
schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education in the town of Akron, or in any city, town or village which has adopted the act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, shall have power at its discre-

tion, to provide for the establishment of German schools for the instruction of such youth as may desire to study the German language, or the German and English languages together.

Sec. 2. This act shall take effect and be in force from its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 12, 1861.

AN ACT

To amend the first section of an act to amend the act entitled an act to amend the act entitled an act for the prevention of certain immoral practices, passed February 17, 1831. Said last act being passed March 26, 1841. (Passed and took effect April 12, 1858.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above recited act be amended so as to read as follows :

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That no person shall sell, or expose for sale, give, barter, or otherwise dispose of in any way, or at any place, any spirituous or other liquors, or any articles of traffic whatsoever, at or within the distance of four miles from the place where any religious society or assemblage of people are collected or collecting together for religious worship in any field or wood land : Provided, that nothing in this act shall affect tavern-keepers exercising their calling ; nor distillers, manufacturers, or others in prosecuting their regular trades at their places of business, or any person disposing of any ordinary articles of provision, excepting spirituous liquors at their residences ; nor any person having a written permit from the trustees or managers of any such religious society or assemblage to sell provisions for the supply of persons attending such religious worship, their horses or cattle, such persons acting in conformity to the regulations of said religious assembly and to the laws of the state.

Trading near
camp meet-
ings.

Sec. 2. That the first section of the above recited act be and the same is hereby repealed. This act to take effect and be in force from and after the first day of May next.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 18, 1861.

AN ACT

To amend section 543 of the act entitled an act to establish a code of civil procedure.

Sw. & Or.
1116.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and forty-three of the act entitled an act to establish a code of civil procedure be amended so as to read as follows :

Security for
costs of non-
resident plain-
tiff.

Sec. 543. In all cases in which the plaintiff is a non-resident of the county in which the action is to be brought, before commencing such action the plaintiff must furnish a sufficient surety for costs. The surety must be a resident of the county where the action may be brought, and approved by the clerk. His obligation shall be complete, simply by indorsing the summons, or signing his name on the complaint as security for costs. He shall be bound for the payment of all costs, which may be adjudged against the plaintiff in the court, in which the action is brought, or in any other to which it may be carried, and for the costs of the plaintiff's witnesses, whether the plaintiff obtained judgment or not: Provided, that instead of giving security as above, the plaintiff may deposit with the clerk of the court such sum of money, as security for costs in the case, as in the opinion of the clerk shall be sufficient for that purpose. But the court may, on motion of the defendant, and if satisfied that such deposit is insufficient, require the same to be increased, or personal security to be given.

Sec. 2. Said original section is hereby repealed.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 18, 1861.

AN ACT

Supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

Council to se-
lect justice of
the peace for
acting mayor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the council of any city of the second class, or incorporated village in this state, to appoint some justice of the peace within said city or village, whose duty it shall be, and who is hereby authorized to discharge all the judicial duties of the mayor thereof, in all cases arising under the laws or ordinances of said city or village during any temporary absence or disability of the said mayor.

Sec. 2. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 19, 1861.

AN ACT

To provide for the creation and regulation of market house companies.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than five, associating for the purpose of becoming incorporated under this act, and of constructing and maintaining a market house, shall, under their hands

and seals, make a certificate which shall specify as follows : First—**Certificate.** The name assumed by such company, and by which it shall be known. Second—The name of the street, alley or avenue whereon the market house shall be located, and the number, or a description, of the block or square wherein the same shall be located and established. Third—The amount of capital stock necessary to construct and complete such market house. Such certificate shall be acknowledged before a justice of the peace, and certified by the clerk of the court of common pleas of the county, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office ; and a copy thereof, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such company.

Sec. 2. That when the foregoing provisions have been complied with, the persons named as corporators in said certificate are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of this act ; and they and their successors, associates and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate, with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire, hold, use, convey at pleasure, all such real and personal estate as may be necessary and convenient to carry into effect the object of the incorporation ; to make and use a corporate seal, and the same to renew or alter at pleasure, and do all needful acts to carry into effect the object for which the incorporation was created ; such corporation shall be authorized and empowered to construct, erect, establish and maintain, at the place named in the certificate, suitable building or buildings to be appropriated and used exclusively as a public market house for the sale and vending of meats, vegetables, and all other kinds of victuals and provisions whatever, and of fruits, plants and flowers, and all other articles commonly sold and vended in public market houses or spaces, on market days, in market hours.

Sec. 3. That sections five, six, seven, eight, and nine, of an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, A.D. 1852, are adopted and made to be part of this act ; Provided, that the words "action of debt" in section seven of said act shall be taken and construed to be civil action, and provided that where public notice is required in said sections adopted, or in any part of this act, the same shall be given in a newspaper published in the city or village wherein such market house shall be erected.

Sec. 4. That the directors of every company incorporated under this act shall annually, in the month of January, make a full report of the condition of the affairs of the company to the stockholders, showing the amount of the capital stock of the company ; the gross receipts during the previous year, the cost of repairs and incidental expenses, the condition of the building or buildings of such company, the net amount of profits, the dividends made, the amount of the debt of such company, and such other facts as may be necessary to a full statement and knowledge of the business and affairs of the company.

Sec. 5. That every such company shall be authorized and have power to rent, lease, sell or dispose of stalls, cellar vaults, or other divisions or spaces in the market house of the company, in such

Disposition of market house.

manner and upon such terms and conditions as the directors shall determine: Provided, that some uniform rule or rules, in renting or leasing stalls, cellar vaults, or other divisions or spaces, shall be established and printed, and hung up in conspicuous places in the market house of such company; but the same may be changed from time to time by the directors of such company; and provided that preference shall not be made, by any variation or difference in rates or prices in favor of citizens of the city or village wherein the market house of any company shall be erected, and against farmers, butchers, or producers not residing in such city or village, and provided that no rule, regulation, order, or condition shall be made or exacted by any company to prevent farmers, butchers, or other persons from disposing of their produce, meats, vegetables, or other articles, in such quantities and upon such terms as they may deem proper; but every such company shall prohibit and prevent the use of false weights or measures, or the exposure or sale of any diseased or decaying meats or vegetables, or any offensive or injurious articles in the market house of such company.

Space in front.

Sec. 6. That every such company shall be authorized and have power to keep the street, alley or avenue, or streets, alleys or avenues, in front of the market house of such company, free, open and clear of any and all obstruction from stoppage of wagons, carriages, or vehicles of any kind, or of horses, mules or cattle, on market days in market hours.

Sewer.

Sec. 7. That every such company shall construct a sufficient sewer for drainage of the market house of such company, and connect the sewer with the nearest city or village sewer into which it may be practicable to drain the same: or if there be no city or village sewer, then any company may construct a sewer for the drainage of the market house of such company; and every such company may charge and receive a full compensation for the tapping or use of the sewer, or portion of a sewer, constructed by such company.

Sec. 8. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 19, 1861.

AN ACT

To amend section one of an act therein named.

Superintendent and janitor of state house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the act entitled "an act to provide for the completion of the state house, and for the care of the building and grounds, and to repeal certain acts therein named," passed March 16, 1860, be so amended as to read as follows: That there shall be appointed by the governor, with the consent of the senate, a "superintendent of the state house," and also a "janitor of the state house," who shall hold their offices for the term of two years, and until their successors shall be appointed and qualified. In case

of vacancy in either of said offices during the recess of the general assembly, the same shall be filled by appointment by the governor, who shall, within ten days after the general assembly shall next meet, appoint, in the manner originally provided, a successor for such unexpired term. The salary of such superintendent shall be six hundred dollars, and that of said janitor shall be eight hundred dollars yearly, in quarterly payments, to be drawn from the treasury on the warrant of the auditor of state. Said original section one is hereby repealed.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 19, 1861.

AN ACT

To provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the president of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the companies of militia volunteers raised in this state, under any requisition of the president of the United States, shall have the same company and regimental organization as the army of the United States, and when so organized, shall immediately proceed to elect their regimental officers—except the regimental adjutant and quartermaster, who shall be appointed by the colonel, and the regimental surgeons, who shall be appointed as hereinafter required. Organization.

Seco. 2. The regiments shall be organized into brigades and divisions, under the directions of the governor, who is hereby authorized to appoint from the citizens of this State, the major-general or generals, and to appoint from the general officers in commission in the militia of this state, the brigadiers general to command such divisions and brigades respectively; also to appoint all surgeons and assistant surgeons to the regiments. Majors general, brigadiers general, and surgeons.

Seco. 3. Immediately on the passage of this act, the governor shall appoint a medical board, to consist of not less than three skillful surgeons; and no person shall receive the appointment of surgeon or assistant surgeon unless he shall have been examined and approved by said board. Medical board.

Seco. 4. The governor shall further be authorized to appoint such number of aids-de-camp as in his judgment may be necessary to enable him to discharge his duties as commander-in-chief. He shall also have authority to appoint such assistant adjutants general and assistant quartermasters general as may be necessary in his judgment; said officers to rank as lieutenant colonels. Aids.

Seco. 5. The militia accepted by the governor, and all officers thereof, and staff officers in actual service, shall be entitled to the pay and emoluments of the same grades of rank in the United States army, from the time of the acceptance of troops by the state, and from the time of the election and appointment of officers of the line, or the calling into actual service, and necessary for the defense of the state, and accepted by the governor. Pay.

Sec. 6. This act shall be in force from and after its passage; and sections two and three of an act entitled "an act relating to the militia of Ohio, mustered into the service of the United States, under any requisition of the President thereof," passed April 17, 1861, are hereby repealed.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 23, 1861.

AN ACT

Making appropriations of general revenue for the year 1861.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, be and the same are hereby appropriated out of any money in the state treasury belonging to the general revenue, to be paid out according to existing laws, namely:

State departments.

For the payment of the salary of the governor, auditor, secretary and treasurer of state, attorney-general, comptroller of treasury, commissioner of common schools, commissioner of statistics, librarian, and secretary of the governor, thirteen thousand six hundred dollars.

General assembly.

For the payment of lieutenant-governor, members of the general assembly, their clerks and assistant clerks, sergeants-at-arms and assistant sergeants-at-arms, and messengers, twenty-five thousand dollars.

For payment of publishing the daily proceedings of the general assembly in the Ohio State Journal and Ohio Statesman, seven hundred dollars.

Judges.

For payment of the salaries of the judges of the supreme court, courts of common pleas and superior courts, eighty-two thousand nine hundred dollars.

Salaries of clerks.

For payment of the salaries of the clerks in the office of the auditor of state, seven thousand five hundred dollars.

For the payment of the salary of clerk in the office of the commissioner of common schools, seven hundred dollars.

For payment of the salaries of clerks in the office of the treasurer of state, three thousand five hundred dollars.

For payment of the salaries of clerks in the office of secretary of state, two thousand dollars.

For payment of the salaries of clerks in the office of comptroller of the treasury, three thousand four hundred dollars.

For the payment of the salary of the clerk of the attorney-general, six hundred dollars.

Contingent funds.

For the contingent fund of the governor, four thousand dollars.

For the contingent fund of the auditor of state, one thousand five hundred dollars.

For the contingent fund of the treasurer of state, three thousand dollars.

For the contingent fund of the secretary of state, five hundred dollars.

For the contingent fund of the attorney-general, eight hundred dollars.

For the contingent fund of the state librarian, including the binding of the Ohio documents ordered to be bound and filed, five hundred dollars.

For the contingent fund of the commissioner of common schools, five hundred dollars.

For the contingent fund of the comptroller of the treasury, three hundred dollars.

To pay expenses and fees of counsel appearing for the state in the suits now pending, or which may be brought in the courts of the United States, respecting the collection of taxes assessed against the banks of the state, under the act passed April 8, 1859, one thousand dollars, to be audited by the governor, and on his certificate, the auditor of state shall issue his warrant for the amount certified.

To pay the attorney-general for assistant counsel employed by him for defending suits under the provisions of the act for the liquidation of certain claims against the state, passed April 17, 1857, five hundred dollars.

For the contingent fund of the supreme court, two hundred dollars.

For the contingent fund of the adjutant general, two thousand dollars.

For the contingent fund of the quarter-master general, six hundred dollars.

For the payment of the salary of the janitor of the state house, eight hundred dollars, and of the superintendent of the same, six hundred dollars. State house.

For the payment of laborers employed as assistants of janitor in taking care of the state house and grounds, and preparing the halls for the meetings of the legislature, eight hundred and thirty dollars.

For the purchase of brooms, soap, alcohol for lighting gas, forty dollars.

For repairs of carpets, oil cloths, &c., for legislative halls, two hundred dollars.

For labor on the grounds and other repairs of the state house building, other than above specified, one hundred and thirty dollars. Said sums of money to be paid from the treasury upon the warrant of the auditor of state, in favor of the persons or their agents to whom money may become due for work or materials as aforesaid, and which may be certified by the officer in charge of the state house to have been performed or delivered.

For the payment of the engineer of the heating apparatus and other laborers employed, and necessary expenses of heating the state house, one thousand dollars.

For the purchase of fuel for warming the state house, five thousand dollars.

For the payment of the Columbus gas light and coke company, for gas supplied to the state, two thousand dollars.

For the payment of the crier of the supreme court, five hundred dollars. Crier supreme court.

For the payment of the mileage of county treasurers in traveling to and returning from the seat of government, in making their settlements with the auditor of state, three thousand five hundred dollars. Mileage of county treasurers.

- O. S. Reports.** For the purchase of the Ohio state reports, seven hundred dollars.
- Library.** For the purchase of law books, to be selected by the judges of the supreme court, for the law department of the state library, five hundred dollars.
- For the purchase of books, magazines and newspapers, and for binding for the state library, five hundred dollars.
- Distribution.** For the distribution of laws and journals, legislative and executive documents, and other documents, printed by order of the general assembly, fifteen hundred dollars.
- Seals.** For seals to be furnished to counties by the secretary of state, fifty dollars.
- Stationery.** For the purchase of stationery for the use of the state departments and general assembly, including printing paper, and other articles necessary for the general assembly, twenty-five thousand dollars.
- Printing.** For the payment of printing for the state and executive departments, and of the laws, journals, documents, reports, and other work ordered by the general assembly in accordance with the laws of the state, twenty thousand dollars.
- Binding.** For the payment for folding, binding and stitching for the state and executive departments, and of the laws, journals, documents and reports, ordered by the general assembly, and other necessary work of the kind, done pursuant to the laws of the state, sixteen thousand dollars.
- Miscellaneous.** For the payment of messenger of the supreme court, five hundred dollars.
- For the payment of a night watch of the state house, to be appointed by the treasurer of state, and paid on his certificate, five hundred and fifty dollars.
- For the payment of the expenses of the trustees of the benevolent institutions, two hundred dollars.
- For the payment of the expenses of special elections, two hundred dollars.
- For the state board of agriculture, the proceeds of show licenses and escheated lands that may be in or come into the treasury.
- For furnishing school libraries and apparatus, and for the expenses of distributing the same agreeably to the provisions of the laws on the subject, a sum not exceeding the amount received into the state treasury from all sources for that purpose.
- For the support of common schools in the several counties, a sum not exceeding the amount that may be in or come into the treasury for that purpose.
- Military.** To pay the interest on the loan authorized by the act to provide for the defense of the state, and for the support of the federal government against rebellion, passed April 18, 1861, twenty-five thousand dollars.
- For the payment of the clerk in the office and under the employment of the adjutant general, four hundred dollars.
- For the collection, transportation and repairs of public arms and camp equipage, to be paid on the certificate of the quarter-master general, two thousand dollars.
- For the payment of the salary of the adjutant general, fifteen hundred dollars.
- For the salary of the quarter-master general, six hundred dollars, and for his services as master armorer, five hundred dollars.
- For compensation for services to be rendered by the surgeon general of the state, for one year next ensuing, five hundred dollars.

For twenty-two shutters of iron for the first story windows of the arsenal, four hundred and forty dollars. Arsenal.

For a wood fence to inclose the arsenal lot, two hundred and seventy-five dollars.

For grading arsenal lot, paving gutters and road way from building to street, four hundred dollars.

For lightning rods, one hundred dollars.

For window sills, one hundred and sixty-eight dollars.

For ceiling for arsenal, five hundred and fifty-two dollars.

The above work on the arsenal building and grounds, shall be under the superintendence of the quarter-master general. Said sums of money to be paid from the treasury upon the warrant of the auditor of state in favor of the persons or their agents to whom money may become due for work or materials as aforesaid, and which may be certified by the quarter-master general, to have been performed or delivered.

For keeping the national road in repair for the quarter ending February 15, 1862, whatever sums shall be paid into the state treasury on account of tolls received or other sources of revenue from the same during said quarter. National road

For the purchase of fixed ammunition for small arms and for rifling cannon, and the purchase of shot, shell, grape and canister shot, twenty-five thousand dollars, to be expended under the direction of the governor, and paid on his certificate, to be used in the defense of the state government only. Munitions of war.

For the payment of costs that have been, and that may be decreed by the United States court against the officers of state in bank tax injunction cases, five thousand dollars. Costs.

For the payment of the expenses of the senate committee in visiting state benevolent institutions, to be drawn on the certificate of the chairman of said committee, seventy-five dollars and eighty-five cents, and Committees.

For the payment of the expenses of house committee in visiting state benevolent institutions, to be drawn on the order of the chairman of said committee, seventy-four dollars.

For stationery for the use of state board of agriculture, a sum not exceeding seventy-five dollars. Other specific objects.

For payment for six hundred maps furnished by corresponding secretary of state board of agriculture, for the use of the general assembly, eighty-five dollars, and

For payment for small maps furnished by sergeant-at-arms, in accordance with senate resolution, five dollars, to be paid to John H. Klippart, on his vouchers.

For the payment of James W. Taylor, commissioner appointed by governor McDill, to examine and report on the eastern boundary line between Ohio and Pennsylvania, the sum of one hundred dollars, in full for his services as said commissioner.

For the payment of Samuel Rodebaugh, for the storage of state arms for the state, thirty-six dollars.

For the payment of Reynolds, Kite & Tatum, for balance due on gas pipe furnished the southern lunatic asylum, twenty-nine dollars and nineteen cents.

For the payment of Ira Merchant, for balance due him for servi-

res rendered as architect of the southern lunatic asylum, thirty-four dollars and fifteen cents.

For the payment of G. W. Heyl, for repairs of desks and chairs in senate chamber, six dollars.

For removing the buildings, machinery, and rubbish connected with the artesian well, and for grading and planting with trees the yard on the eastern front of the state house, and for flagging the walk leading to third street, two hundred dollars.

For the payment of J. R. Paul & Co., for ice for the general assembly, forty-five dollars.

Ohio peniten-
tiary.

For the payment of the salaries of the warden, deputy warden, clerk, physician, chaplain and assistant teacher, and matron of the Ohio penitentiary, five thousand two hundred and sixty dollars.

For the payment of the per diem of the directors of the penitentiary, six hundred dollars.

For the payment of guards at the penitentiary, fourteen thousand dollars.

For the current expenses of the penitentiary, forty thousand dollars.

For the prosecution and transportation of convicts to the penitentiary, thirty thousand dollars.

For the payment of discharged convicts, twelve hundred dollars.

For refunding over-work of prisoners paid into the treasury, a sum not exceeding the amount of over-work money paid into the treasury.

For completion of cells and cell houses in the Ohio penitentiary, nine thousand dollars.

For flagging in halls, old dining room, and front building, six hundred dollars.

For repairing roofs, one thousand dollars.

For 1000 feet leading hose, one thousand dollars.

For two new cisterns, two hundred dollars.

For seating new chapel, two hundred and fifty dollars.

For building new store-house, two thousand dollars.

For sewerage and gutters, two thousand dollars.

For new privy, six hundred dollars.

For the payment to Absalom Blessing, the sum of forty five dollars, to make good the said Blessing the loss incurred by him by the unfaithfulness of one or more of the officers of the Ohio penitentiary in 1856, while he was confined as a convict in said institution.

CENTRAL OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward, and matron of the central Ohio lunatic asylum, three thousand two hundred dollars.

For the payment of moral instruction in said asylum, and for the purchase of books, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, thirty thousand dollars.

For paving side-walk of asylum grounds, five hundred dollars.

SOUTHERN OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward, and matron of the southern Ohio lunatic asylum, two thousand seven hundred dollars.

For the payment of the moral instruction in said asylum, and for the purchase of books, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, twenty-one thousand dollars.

For omnibus, two hundred and twenty-five dollars.

For extending sewer, two hundred dollars.

NORTHERN LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward, and matron of the northern Ohio lunatic asylum, two thousand seven hundred dollars.

For the payment of moral instruction in said asylum, and for the purchase of books, two hundred dollars.

For provisions and necessary current expenses and repairs for said asylum, twenty-one thousand dollars.

For removing and refitting steam apparatus, three thousand dollars.

DEAF AND DUMB ASYLUM.

For the salaries of the superintendent, steward, matron, physician, and teachers of the institution for the education of the deaf and dumb, seven thousand two hundred and fifty dollars.

For provisions and necessary current expenses and repairs, five thousand dollars.

BLIND ASYLUM.

For the payment of salaries of the superintendent, steward, matron, physician, and teachers of the institution for the education of the blind, four thousand four hundred and twenty-five dollars.

For provisions and necessary current expenses and repairs of said asylum, and bedding, eight thousand dollars.

ASYLUM FOR IDIOTS.

For payment of the salaries of the superintendent, other officers, and teachers of the state asylum for idiots, seventeen hundred and fifty dollars.

For provisions and necessary current expenses of said asylum, including rent, furniture, wages and repairs, four thousand dollars.

LONGVIEW ASYLUM.

For Longview asylum of Hamilton county, under the provisions of the act passed March 10, 1857, to constitute Hamilton county a separate district for lunatic purposes, the sum of fourteen thousand one hundred and eighty-four dollars, to be paid on the warrant of the auditor of state, in the same manner as appropriations for the other lunatic asylums.

OHIO REFORM SCHOOL.

For the payment of the salaries of the officers of the state reform farm, four thousand four hundred and sixty dollars.

For provisions, furniture, clothing, lodging, school books for, and educating and training boys, and other necessary expenses, eight thousand seven hundred dollars.

For fruit trees and small fruits, two hundred dollars.

For sheep, one hundred and fifty dollars.

For one yoke of oxen, one hundred dollars.

For shingles and lumber to cover wood-house, two hundred dollars.

For blacksmith shop built of brick, two hundred dollars.

To Joseph Warwick, for map of North America, for hall of house of representatives, ten dollars.

To do., for expenses in preparing hall of house of representatives (new resolution), twenty-five dollars.

To do., for repairing carpet, table, &c., thirteen dollars and twenty-seven cents.

To G. W. Heyl, for bill of repairs, twenty dollars.

To J. W. Burke, for cleaning and transportation of public arms, forty-three dollars and sixty-eight cents.

To Wm. Reed, for interest as per resolution, sixty-six dollars.

To Matthew Gooding, for bill as per resolution, eleven dollars and sixty-eight cents.

For carpet for agricultural rooms, one hundred dollars.

For expenses of house committee in visiting reform farm, seventeen dollars and sixty-five cents.

General limitations.

SEC. 2. No moneys herein appropriated shall be expended for any other purpose than the specific purposes named in this act; and no money shall be drawn from the several contingent funds in this act appropriated, for the payment of subscription to newspapers, or for the payment of postage other than that required in transacting the official business of the state, or in payment of any supplies ordered for the personal comfort of those employed therein, and not necessary for the public service. Nor shall any money be drawn from said contingent funds for the payment of clerks in said departments, except in cases where, for merely temporary purposes, additional clerk force may be necessary. Nor shall any person receive pay for employment in more than one capacity, except in cases for which specific appropriation is made in this act. Nor shall more than one person be employed to do the duties of messenger and porter for the office of the auditor, attorney general, and the fund commissioners; one for the offices of the treasurer and comptroller; one for the offices of the secretary of state and board of public works; one for the state library and the office of the school commissioner, and one for the office of the governor. The compensation of such messengers shall not exceed thirty dollars per month, to be paid out of the contingent funds of these several offices in equal proportions. Nor shall any money be drawn from the several contingent funds hereby appropriated, for the purchase or payment of stationery used in the several departments of the state government; but it is hereby made the duty of the secretary of state to supply to the several state officers all the stationery necessary in the discharge of the duties of their several departments.

SEC. 3. No expenditure shall be made by any officer of state, or by the directors of the penitentiary, or trustees or other officers of the state institutions, or any contract made so as to incur any indebtedness on the part of the state beyond the appropriations named therefor.

SEC. 4. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 20, 1861.

AN ACT

To regulate the construction of coal boats and flat boats on any slack water navigation within the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all coal boats and flat boats navigating, running or being used in any way, loading or unloading, on any slack water navigation within the state of Ohio, where steamboats are used, shall be so constructed that not less than fifteen inches of gunwale and siding will remain above water level when such boats are loaded down, or while carrying a full load.

SEC. 2. All such boats now being used on such navigable waters, not so constructed originally, shall be provided with stanchions fastened into gunwales and bow and stern timbers, to which shall be fastened substantial planks, not less than fifteen inches wide, and extending around on both sides and ends of such boats.

SEC. 3. This act shall take effect and be in force from and after the first day of May, 1861.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 23, 1861.

AN ACT

To authorize cities of the second class to fund the floating debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of any city of the second class, having a population of not less than twelve thousand inhabitants, for the purpose of paying any floating indebtedness of such city, heretofore legally incurred, shall have the power to issue the bonds of such city, and borrow money thereon, which bonds may be in such amounts and for such length of time, not exceeding fifteen years, and at such rate of interest as such city council may deem proper, not to exceed seven per centum per annum; and when such bonds shall have been issued, a tax of not less than one mill on the dollar valuation, annually, of the taxable property in such city, shall be assessed and collected sufficient in amount to provide a sinking fund for their final redemption, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852: Provided, that the whole amount of the bonds issued under this section shall not exceed the sum of twenty-five thousand dollars: Provided, further, that such bonds shall not be sold for less than their par value.

Bonds not to exceed 15 years at 7 per cent.

Sinking fund.

SEC. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 23, 1861.

AN ACT

Relating to the bonds of certain officers.

Disbursing
officers of mili-
tia to give
bond.

Report.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the quartermaster general, commissary general, paymaster general, and all quartermasters, commissaries, paymasters and other disbursing officers, and such other persons having custody or control of the public moneys or other property in the military service of the state as the governor may, from time to time, designate, shall severally give bond with two or more sufficient sureties, to the satisfaction of the governor, conditioned for the due and faithful discharge of their respective duties, in such form as may be prescribed by the governor. Every disbursing officer, and every person having the custody and control of the property or moneys of the state, or of the transportation or subsistence of the forces of the state shall, from time to time, make report, in such form and to such department as the governor may require; and all accounts of expenditures in the service, with the proper vouchers therefor, shall, once in three months, be filed in the office of the auditor of state, who shall audit and determine the validity of the same.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 23, 1861.

AN ACT

To regulate telegraph companies.

Oath to be ad-
ministered to
operators.

Operators not
to enlist.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of this state be authorized to cause to be administered to all telegraph operators in this state, an oath to support the constitution of the United States and of the state of Ohio, and that they will not knowingly use the telegraph lines of this state, or permit them to be used for the purpose of conveying any treasonable message or dispatch whatsoever.

SEC. 2. That it shall not be lawful for any telegraph operator to enlist in the militia of this state, or in the United States army, unless the permission of the governor be first had and obtained.

SEC. 3. This act shall take effect from its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 24, 1861.

AN ACT

To amend the act entitled an act for the inspection of certain articles therein enumerated, passed March 9, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the court of common pleas of each county in this state, at their first or any subsequent session after the passage of this act, to appoint, where it may be necessary, one gauger and inspector of domestic and foreign spirits, linseed oil, lard oil, and coal oil; one inspector of flour, meal and biscuit; one inspector of beef, pork, lard and butter; one inspector of pot and pearl ashes, who shall each have the power of appointing as many deputies to act under them as their respective duties in office may require; for the conduct of the deputy the principal shall be accountable and liable.

Inspectors to be appointed by common pleas.

SEC. 2. Aforesaid section one of the act to which this is an amendment is hereby repealed. This act shall be in force on and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 25, 1861.

AN ACT

Supplementary to an act entitled an act defining the powers and prescribing the duties of the board of public works, passed March 24, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works shall have a general supervision over each division of the public works of the state, and make all contracts for building or repairing any aqueduct, dam, embankment, culvert, or boat for the state, where the expense thereof shall exceed the sum of eight hundred dollars, anything in the above recited act to the contrary notwithstanding.

SEC. 2. That this act shall be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 25, 1861.

AN ACT

To amend section one of an act entitled "an act to amend sections five and nine of an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of an act entitled an act to amend sections five and six of an act entitled "an act regulating the mode of ad-

Sw. & Cr. 710.

Conversion of
assets, &c.

ministering assignments in trust for the benefit of creditors," passed April 6, 1859, be amended so as to read as follows: Sec. 5. The assignee shall proceed at once to convert all the assets received by him into money, and to sell the real and personal property assigned, including stocks, and such bonds, notes, and other claims as are not due, either for cash, or upon such other terms as the probate judge in his discretion may order, at public auction, at such time and place as may be designated in notice given by advertisement in some newspapers of general circulation within the county, for four successive weeks, and of which sale due return shall be made to the judge; but all sales of real estate shall be made at not less than two-thirds the appraised value thereof, being subject to reappraisement as upon executions at law; and such sale shall be set aside or confirmed as the probate judge shall order; and if confirmed, deeds shall be made to the purchasers, conveying the title free from all liens on the same for all debts due by the assignor. Whenever the probate judge shall be satisfied that it would be for the advantage of the creditors of the assignor to sell any part of the real or personal property assigned at private sale, such judge may authorize the assignee to thus sell the same, either for cash or upon such other terms as the probate judge in his discretion may order; but such real estate shall in no case be sold for less than two-thirds its appraised value; nor shall such personal property be sold for less than two-thirds of such appraisement, unless the probate judge aforesaid shall, upon good cause shown, order the assignee to sell the same for a less amount; nor shall such assignee become the purchaser thereof; and a return of such sale shall be made within the time prescribed by the probate judge, not to extend beyond six months; and such sale shall be confirmed by the probate judge before the same shall be complete and binding; and if confirmed, deeds shall be made of the real estate, to the purchasers, conveying the title, free from all liens on the same, for all debts due by the assignor. Should any property, thus ordered to be sold at private sale, be not so sold within the time prescribed by the judge, then such judge shall order the same to be sold at public auction, in the same manner as though a private sale had not been ordered; and the assignee may be authorized by the probate court to sell or compound claims judged desperate, in the same manner and under the same restrictions, as are provided by law for selling and compounding such claims by executors and administrators.

Incumbrances
and liens.

Sec. 2. That section nine of the above recited act be so amended as to read as follows: Sec. 9. The probate court shall order the payment of all incumbrances and liens upon any of the property sold, or rights and credits collected out of the proceeds thereof, according to priority: Provided, that the assignee may, in all cases where the real estate to be sold is incumbered with liens, or where any questions in regard to the title require a decree to settle the same, file his petition for the sale of such real estate, in the court of common pleas of the proper county, making all persons in interest parties to such proceedings; and upon hearing, such court shall order a sale of the premises, the payment of incumbrances, and determine the questions involved in regard to the title to the same; and the proceeds of the real estate so sold by order of the court of common pleas, after payment of liens and incumbrances as ordered

by such court, shall be reported to the probate court by the assignee, and disposed of as provided in this act.

Sec. 3. This act shall take effect on its passage.

RICHARD Q. PARSONS,
Speaker of the House of Representatives.

ROBERT C. KIRK,
President of the Senate.

Passed April 18, 1861.

AN ACT

To provide more effectually for the defense of the state against invasion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor be and he is hereby authorized, in case of invasion of the state, or danger thereof, to take measures to call into active service such numbers of the militia of the state as in his opinion may be necessary to defend the state, and repel such invasion; and when so called into active service, the said militia shall serve at such place and places as in the judgment of the governor may be best adapted to repel the invasion and defend the state against the same, and shall be governed by the military laws of this state, and the rules and articles of war of the United States, and organized in accordance with the provisions of the act entitled an act to provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the president of the United States, passed April 23, 1861.

Governor to call out militia, when.

Sec. 2. That the governor be and he is hereby authorized, if he shall deem it expedient, to continue in the service of the state, for a term not exceeding three months, the militia of the state, who have volunteered under the requisition of the president of the United States, and the proclamation of the governor, but not exceeding nine regiments, in addition to the thirteen regiments called out on behalf of the federal government, and also accept not exceeding eight companies to be organized in part as cavalry and in part as batteries of artillery, in such proportions as he may think expedient; the regiments and companies so continued in service, shall be subject to be transferred to the service of the United States at any time.

Term of service, &c.

Sec. 3. In addition to the brigadiers general provided for by the act entitled "an act to provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the president of the United States," passed April 23, 1861, the governor may designate from among the general officers now in commission, two additional brigadiers general, to take such command as he may assign them.

Brigadiers general.

Sec. 4. All contracts hereafter made for the subsistence of volunteer militia shall be let to the lowest bidder, after the governor shall have caused notice of such letting to be published in at least one paper of general circulation in the county where such militia is to be subsisted, for not less than one day; all bids shall be in writing, and sealed, and shall be opened, and the contracts awarded at such time and place as shall be specified in said notice, the contractor to give security for the performance of the contract, to the satisfaction of the governor.

Contracts.

Appropriations.

SEC. 5. For the purposes mentioned in the first section of this act, there is hereby appropriated the sum of one million five hundred thousand dollars; and for the payment of the expenses that may be incurred under the second section the sum of five hundred thousand dollars.

Commissioners to borrow money.

SEC. 6. That to provide money to meet the appropriations contained in this act, the commissioners of the sinking fund be and they are hereby authorized and empowered to borrow on the faith and credit of the state such sum and sums of money, not exceeding in the aggregate two millions of dollars, as may be ascertained by the auditor of state, and by him from time to time certified to them to be necessary to meet the aforesaid expenditures. And whenever it shall become necessary to borrow any sum of money under the authority of this act, the commissioners of the sinking fund shall take such measures, and give such public notice by advertisements or otherwise as in their judgment may be needful to enable them to obtain the same without unnecessary delay; and for the moneys so borrowed the commissioners shall issue registered certificates to the proper parties, payable at the treasury of the state, or at the agency of the state in the city of New York, at such time and times as they may deem proper, but not longer than seven years from the first day of July, 1861. The certificates so issued shall bear a rate of interest not exceeding six per centum per annum, and shall not be subject to any tax or assessment levied under the authority of this state. The interest on certificates payable at the treasury of the state, shall be payable the first day of May, and the first day of November in each year, and the interest on certificates payable in New York, shall be payable the first day of January, and the first day of July in each year. The expenses of the commissioners in making the loan herein authorized shall be paid from the appropriation made by the fifth section of the act to provide for the defense of the state, and for the support of the federal government against rebellion, passed April 18, 1861.

Distribution of accepted militia.

SEC. 7. In accepting militia volunteers under this act, the governor shall, so far as in his judgment is practicable and consistent with a prompt and efficient organization of the same, distribute his acceptances equally over all portions of the state, including and taking into account as a basis of such distribution the distribution already made of the thirteen regiments raised to fill the requisition of the President of the United States.

In case of further requisition.

SEC. 8. That the governor is hereby authorized, in case any further requisition shall be made by the President of the United States upon this state for troops, to cause the volunteer militia authorized by this act, or any portion of the same, to be mustered into the service of the United States in pursuance of such requisition.

SEC. 9. This act to take effect from its passage and be in force for one year only.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 26, 1861.

AN ACT

Making appropriations, in part, of the general revenue, for the year 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated from any money that may be in the treasury belonging to the general revenue, and to be used for the service of the year 1862 :

For the payment of guards at the Ohio penitentiary, ten thousand dollars.

For the general current expenses of the Ohio penitentiary, thirteen thousand dollars.

For the prosecution and transportation of convicts, ten thousand dollars.

For provisions and necessary current expenses and repairs of the central Ohio lunatic asylum, ten thousand dollars.

For provisions and necessary current expenses and repairs of the southern Ohio lunatic asylum, six thousand dollars.

For provisions and necessary current expenses and repairs of the northern Ohio lunatic asylum, six thousand dollars.

For provisions and necessary current expenses and repairs of the institution for the education of the deaf and dumb, three thousand dollars.

For provisions and necessary current expenses and repairs of the institution for the education of the blind, three thousand dollars.

For provisions and necessary current expenses, repairs, rent, and wages of the state asylum for idiots, fifteen hundred dollars.

For provisions, furniture, clothing, lodging, school books, for educating and training boys, and other necessary expenses at the reform school, two thousand eight hundred and thirty-four dollars.

For the payment of the salaries of the warden, deputy warden, clerk, physician, chaplain, assistant teacher, and matron of the Ohio penitentiary, fifteen hundred dollars.

For the payment of the salaries of the superintendent, assistant physician, steward, and matron of the central Ohio lunatic asylum, one thousand dollars.

For the payment of the salaries of the superintendent, assistant physician, steward, and matron of the southern Ohio lunatic asylum, eight hundred dollars.

For the payment of the salaries of the superintendent, assistant physician, steward, and matron of the northern Ohio lunatic asylum, eight hundred dollars.

For the payment of the salaries of the superintendent, steward, matron, physician, and teachers of the institution for the education of the deaf and dumb, two thousand dollars.

For the payment of the salaries of the superintendent, steward, matron, physician, and teachers of the institution for the education of the blind, twelve hundred dollars.

For the payment of the salaries of the superintendent, other officers, and teachers of the state asylum for idiots, six hundred dollars.

For the payment of the salaries of the officers of the state reform farm, fifteen hundred dollars.

For the payment of the salary of the clerk to the state librarian for the current year, four hundred and fifty dollars.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 26, 1861.

AN ACT

To punish treason and other crimes.

Treason. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons residing in this state, who shall levy war against this state, or the United States of America, or shall knowingly adhere to the enemies of this state, or the United States, giving them aid and comfort, shall be deemed guilty of treason against the state of Ohio, and, on conviction, shall be imprisoned in the penitentiary, at hard labor, during life.

Accessories. SEC. 2. Any person or persons residing within this state, who shall surrender or betray, or be in any way concerned in surrendering or betraying any military post, fortification, arsenal, or military stores of this state or the United States, into the possession or power of any enemies of either, or shall supply arms or ammunition or military stores to such enemies, or who shall unlawfully and without authority, usurp possession and control of any such military post, fortification, arsenal, or military stores, or having knowledge of any treason against this state or the United States, shall willfully omit or refuse to give information thereof to the governor, or some judge of this state, or to the president of the United States, shall be deemed guilty as accessories to treason, and, on conviction thereof, shall be imprisoned in the penitentiary, at hard labor, not less than ten nor more than twenty years.

Military expeditions against other states. SEC. 3. That if any person shall, within this state, begin or set on foot, or provide or prepare the means for any unauthorized military expedition or enterprise, to be carried on from thence against the territory or people of any of the United States, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the penitentiary of this state, not less than one nor more than ten years.

Evidence. SEC. 4. No person shall be convicted of treason but by the testimony of two lawful witnesses to the same overt act of treason whereof he stands indicted, unless he confesses the same in open court; and no person shall be convicted of an offense under the second or third sections of this act, but by the testimony of two credible witnesses, unless the person indicted confesses his guilt in open court.

SEC. 5. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 26, 1861.

AN ACT

Prescribing the fees of county treasurers.

Per centage on taxes. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county treasurer, on settlement semi-annually with the county auditor, shall be allowed for the collection, safe-keeping

and disbursement of the money arising from the assessment of taxes on the grand duplicate of the county, on any sum so collected, not exceeding five hundred thousand dollars, three-fourths of one per cent; and on the excess of any sum over five hundred thousand dollars, one-half of one per cent. In addition to said allowance, the county treasurer shall, at such semi annual settlement, be paid the further compensation of three hundred dollars out of the county treasury, on the warrant of the county auditor: Provided, the percentage of the treasurers, incumbent or elect, for the year ending September 1, 1882, shall be eight-tenths of one per cent. on all sums collected as above, in addition to said extra compensation of three hundred dollars, payable out of the county treasury, at each semi-annual settlement.

Additional allowance.

Sec. 2. That the county treasurer, on settlement semi-annually with the county auditor, shall be allowed for the collection, safe-keeping and disbursement of the money coming into the treasury otherwise than from assessment of taxes on the grand duplicate of the county, on any sum so collected for tavern, show, or other licenses, for fines, penalties, and forfeitures incurred in violation of a penal or criminal statute, and the costs collected of the person (or his bondsmen) violating the same, in the aggregate not exceeding one thousand dollars, ten per centum, and for the excess, five per centum; on any sum otherwise collected, in the aggregate not exceeding ten thousand dollars, one per centum, and for the excess, one-half of one per centum; hereby expressly excepting that upon which some other compensation is fixed by law: Provided, that no compensation, per centage, commission, or fees shall be allowed to the county treasurer on any money by him received from the treasurer of state, or from his predecessor in office, or from the legal representatives or sureties of such predecessor. It is also provided that the fees allowed by this section shall be subject to this limitation, that the total sum to be thus allowed the treasurer at such semi-annual settlement shall not exceed one-tenth of the total sum allowed him as fees and compensation by the first section of this act.

Other moneys.

Sec. 3. That the act passed January 9, 1833, "to amend the act entitled an act prescribing the duties of county treasurers;" the act passed March 2, 1837, "to amend an act to prescribe the duties of county auditors;" and the act passed December 21, 1852, "to regulate the fees of county treasurers in certain cases;" the act "limiting the fees of county treasurers in certain cases," passed April 11, 1857, and the act "limiting the fees of county treasurers in certain cases," passed March 3, 1860, be, and the same are hereby repealed. Also, so much of section six of the act passed February 28, 1859, "relating to the redemption and cancellation of the securities of the funded debt of the counties in this state," and so much of section twenty-five of the act passed April 12, 1858, amended April 5, 1859, "to provide for the better regulation of the receipt, disbursement, and safe-keeping of the public revenue," as fixes the treasurer's fees for collecting and disbursing any money coming into the county treasury, be, and the same is hereby repealed.

Acts repealed

Sec. 4. This act to take effect and be in force from and after the first day of September next.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 9, 1861.

AN ACT

To amend an act entitled "an act supplementary to an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, [Licking], Belmont, Stark, Ottawa and Williams.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled "an act supplementary to an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Licking, Belmont, Stark, Ottawa and Williams, passed March 31, 1869, be and the same is hereby amended so as read as follows: Section. 1. That the provisions of an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, be and the same are hereby extended to the counties of Meigs, Auglaize, Henry, Belmont, Stark, Williams and Ottawa.

Criminal jurisdiction.

Transfer to common pleas.

Seco. 2. That all prosecutions pending in the courts of probate in the counties of Mercer, Lawrence and Harrison, at the time of the taking effect of this act, shall be continued upon the informations now filed, in the courts of common pleas of said counties of Mercer, Lawrence and Harrison; and the probate judges of said counties of Mercer, Lawrence and Harrison, are hereby directed to transmit to said common pleas courts, all informations and recognizances now on file in their offices and not disposed of.

Seco. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 1, 1861.

AN ACT

To provide for the creation and regulation of township agricultural societies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any number of natural persons of any township in the state of Ohio shall form an association for the promotion of agriculture in such township, and shall, under their hands and seals, make a certificate, and acknowledge the same before a justice of the peace, in which shall be specified the name of the society, the objects of its formation, and the township in which it shall be located, and shall record the same in the recorder's office of the proper county, such society shall be deemed a body corporate, with succession, and with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with; to

make and use a common seal, and the same to alter at pleasure; and shall have power to purchase and hold, in fee simple, or to rent or lease such real estate as may be required as a site for holding fairs, not exceeding twenty acres, and to establish all necessary rules and regulations for the management of such fairs, and the legitimate business of the society.

Sec. 2. This act to take effect on and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 1, 1861.

AN ACT

To protect the interest of turnpikes and plank roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where a city, incorporated town or village has condemned, or may hereafter condemn, any portion of any turnpike or plank road, within the limits of any such corporation, it shall be the duty of such city, incorporated town or village, to keep such portion of road, so condemned, in as good condition or repair as the charter of said road requires. Within limits of municipal corporation.

Sec. 2. When any city, incorporated town or village shall fail to comply with the provisions of the first section of this act, the directors of said road, by writ of mandamus, may compel said corporation to keep said portion of road in the condition or repair required by the charter of said road. Mandamus.

Sec. 3 This act to be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 1, 1861.

AN ACT

To exempt from execution the property of the militia of Ohio, mustered into the service of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the individual real and personal property of any person who may belong to the militia of this state, and who shall be mustered into the actual service of the United States, under any requisition of the president, shall be and the same is hereby declared exempt, during the time such person shall remain in the actual service of the United States, and two months thereafter, from sale on any execution, or order of sale, issued on any judgment rendered by any of the courts of this state; and the individual personal property of such person shall also, for the period aforesaid, be ex- Exemption.

empt from the levy of execution, any law of this state to the contrary notwithstanding.

Sec. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 1, 1861.

AN ACT

To amend an act entitled an act relating to cities of the first class having a population less than eighty thousand, passed March 1, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of the act entitled an act relating to cities of the first class having a population of less than eighty thousand, passed March 1, 1861, be amended so as to read as follows:

Bonds to pay
debt.

Section 3. The city council for the purpose of paying any floating indebtedness of such city heretofore incurred, shall have the power to issue the bonds of such city and borrow money thereon, which bonds may be in such amounts, and for such length of time not exceeding twelve years, and at such rate of interest as such city council may deem proper, not to exceed seven per centum per annum, and when such bonds shall have been issued, a tax shall be assessed and collected, sufficient in amount to provide a sinking fund for their final redemption, as provided in section ninety-one of the act to provide for the organization of cities and incorporated villages, passed May 3, 1852: Provided, that the whole amount of the bonds issued under this section shall not exceed the sum of one hundred thousand dollars.

Sinking fund.

Sec. 2. That section three of the act to which this is amendatory is hereby repealed, and this act shall be in force from its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 3, 1861.

AN ACT

To prohibit the circulation of the notes of non-specie paying banks.

Bills in circu-
lation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any bank, banker, broker, exchange broker, or other money dealer or incorporated company in any manner, to put in circulation, either directly or indirectly, the notes of issue of any bank or banking company, whether in or out of this state; which notes shall not, at the time they are so put in circulation, be receivable at par by the bank, banker, broker, exchange broker, or other money dealer or incorporated company so putting

the same in circulation, and redeemable at par, in gold or silver coin, by the bank or banking company issuing the same.

Sec. 2. Any bank, banker, broker, exchange broker, or other money dealer or incorporated company, that shall violate the provisions of the first section of this act, shall forfeit and pay for each offense, a sum of money equal to one-fifth of the nominal value of the notes so put in circulation contrary to the provisions of this act, together with costs of prosecution, to be recovered in an action in the name of the state of Ohio, before any justice of the peace, or court of common pleas having jurisdiction; and all forfeitures recovered and collected under this act shall be paid into the treasury of the county in which the action is brought, for the use of the county.

Penalty.

Prosecution.

Sec. 3. This act shall take effect and be in force on and after the first day of June next.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed May 3, 1861.

AN ACT

To amend an act "providing for recording, printing and distributing the journals of the General Assembly, and the laws and public documents," passed April 8, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fourteenth section of the act entitled "an act to provide for recording, printing, and distributing the journals of the General Assembly, and the laws and public documents," passed April 8, 1856, be so amended as to read as follows:

Sw. & Cr. 828.

Section 14 The secretary of state shall, as soon as the laws, journals and executive documents of each session are printed and ready for distribution, box up the number of each, to which each county may be entitled, together with such number of extra copies of the laws for sale, as he may deem sufficient to supply the demand for the same, and forward the same by public conveyance to the auditor of the county. If any county seat be so situated that the laws, journals and documents cannot be sent to the same by public conveyance, they shall be forwarded to a secure place as near such county seat as practicable, and the secretary of state shall notify the county auditor in writing, of the delivery of the same at such point, and the county auditor shall contract with some person to convey the same to the county seat. The treasurer of each county shall, on the order of the auditor, pay the charges for the conveyance of the same from Columbus to such county seat.

Distribution
of documents,
&c.

Sec. 2. That original section fourteen of the act aforesaid be and the same is hereby repealed.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed May 3, 1861.

AN ACT

Making additional appropriations for the deaf and dumb asylum for the year 1861, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be, and is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the current expenses of the deaf and dumb asylum, for the year 1861, four thousand dollars; for the payment to Dennis Mahoney, for washing towels for Senate, six dollars and thirty cents.

SEC. 2. This act shall take effect from and after this date.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 3, 1861.

AN ACT

To provide for surveys of mines in certain cases.

Survey—how
made.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the prosecution of mining for coal or ore, or other mineral substances, in this state, by shafts, subterraneous drifts or entries, it shall be lawful for any person having an interest in such mines, or owning lands adjoining thereto, whenever such person shall have reason to believe that the protection of his or her interest in such mines, or in like minerals on adjoining lands requires it, and shall make affidavit to that effect before some justice of the peace or other proper officer, to enter with a competent surveyor, and, at his or her own expense, to make an examination or survey: Provided, however, that such examinations or surveys are not to be made until one day's notice thereof shall be given to the parties in interest, nor at unreasonable times, but at such times and in such manner as will least interfere with the working of such mines, should mining be prosecuted at the time such examination or surveys are sought to be made.

Damages.

SEC. 2. That should the parties working or occupying such mines sustain any actual damage, for which compensation should justly be made, by reason of making such examination or survey at unreasonable times, or in an improper or unwarrantable manner, the person or persons making the same, or causing the same to be made, shall be liable therefor.

Penalty for
hindering.

SEC. 3. That the parties working or occupying such mines shall not hinder or obstruct such examinations or surveys, when proposed to be made at a reasonable time and in a reasonable manner, under a penalty of not less than fifty nor more than five hundred dollars for each and every offense; said penalty to be recovered before any court of competent jurisdiction.

SEC. 4. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 7, 1861.

AN ACT

To provide for leasing the public works of the state.

Be it enacted by the General Assembly of the State of Ohio, as follows: Lease of public works.

SECTION 1. That the governor, auditor, and treasurer of state be and they are hereby authorized and required, as hereinafter provided, to lease, for the term of ten years, from the day of the approval of the bond herein required, the public works of the state, consisting of the Miami and Erie Canal, Ohio Canal, Wabash Canal, Hocking Canal, Sandy and Beaver Canal, Muskingum Improvement, and Western Reserve and Maumee Road, and all the side-cuts, feeders, reservoirs, lock-houses, collectors' offices, weigh-locks, and leases of surplus water connected with the same or appertaining thereto, and owned by the state, for the purpose of being used in connection therewith, with the right to have additional surplus water; and all moneys derived from the leasing of said public works shall be paid into the treasury of the state.

SEC. 2. Immediately after the passage of this act, the said governor, auditor, and treasurer shall advertise the said public works, with their appurtenances, as specified in the first section of this act, to be let for the term of ten years, at public auction, in the rotunda of the state house, in the city of Columbus, between the hours of ten o'clock a. m., and four o'clock p. m., of the day of letting, which shall be on the twenty-ninth day of May, A. D. 1861; and said advertisement shall be published in two newspapers printed and of general circulation in each of the cities of Cincinnati, Cleveland, Dayton, Columbus, Toledo and Zanesville; which advertisement shall be continued in the papers aforesaid until the time of said letting, and shall describe the works to be let, specify the time and place of letting the same, and the terms upon which said works are to be let. And the said governor, auditor, and treasurer, on the said twenty-ninth day of May, A. D. 1861, and between the hours of ten o'clock a. m. and four o'clock p. m. thereof, and at the place aforesaid, shall proceed, at public auction, to let said public works, for the term of ten years as aforesaid, to the person or persons who, in consideration of the tolls, fines, water rents and revenues to be derived therefrom, shall bid to pay the highest annual rent therefor, to be paid in semi-annual payments, in advance, in each year during the term of said lease: Provided, that no bid shall be received unless the person or persons making the same shall have first deposited with the auditor of state, in money or in stocks of the state of Ohio, or of the United States, the sum of twenty thousand dollars, upon the conditions following, to wit: That he or they will, on their part, enter into an indenture of lease of said public works with the state of Ohio, if the same shall be struck off to him or them, and also give a bond payable to the state of Ohio, in the sum of two hundred thousand dollars, with five or more sufficient sureties, to the satisfaction of the governor, auditor, and treasurer of state, and renewable every two years, or oftener, if the governor, auditor, and treasurer of state shall think the sureties at any time insufficient—conditioned that the said lessee or lessees shall perform all the covenants of said lease on their part to be performed, and will pay all damages suffered by the state or individuals, by reason of his or their failure to do so; and in default of said lessee or lessees entering into said indenture of lease, and giving

Notice and other incidents of the leasing.

said bond, the deposit so made as aforesaid shall be absolutely forfeited to and become the property of the state: and, provided further, that no railroad company shall in any manner become party to said bids, or be interested therein, or in said lease; and it shall be unlawful for the lessee or lessees of said public works, or their assigns, during the continuance of the term of said lease, to sell or assign the same, or any interest therein, to any railroad company or to any trustee, agent, or other person for or in behalf of any railroad company; and all assignments so made shall be null and void: and, provided further, that said public works shall not be let for an annual rent of less than twenty thousand dollars.

Stipulations of
the indenture.

New letting
on failure to
give bond, &c.

Attorney-gen-
eral to prepare
form.

Duties and
obligations of
the lessee.

SEC. 3. The person or persons who shall be the successful bidders at such letting, shall, within five days thereafter, enter into an indenture of lease with the state of Ohio, which shall be executed by the governor in behalf of the state, and which shall contain all the covenants, agreements, reservations and stipulations between the parties, required by this act, or necessary to carry out its provisions; and within the same time, said lessee or lessees shall execute and deliver the bond mentioned in the preceding section: Provided, that if the successful bidder or bidders shall fail within said five days to enter into said indenture, and to deliver said bond, then the governor shall give notice of another letting, and appoint a day not less than two weeks nor more than three weeks thereafter, when he will receive bids in accordance with the provisions of this act: Provided further, that the annual rent shall not be less than twenty thousand dollars.

SEC. 4. It shall be the duty of the attorney-general immediately after the passage of this act, to prepare the form of bond and indenture of lease herein required; and it shall be a part of the contract between the lessee or lessees and the state, that the lessee or lessees shall pay the rent aforesaid at the time and place specified in his or their lease, and shall faithfully perform all the legal contracts of the state for the term aforesaid contained in the water leases on said public works, or on leases of ground for collectors' offices or lock-houses, and all arrangements or agreements entered into by the state of Ohio, by acts of the general assembly or otherwise, with any person or persons, state, corporation or company, or with the United States, relating to said public works, during the term aforesaid; and shall, at all times when the season will permit, and the water is not necessarily drawn out of said public works, for repairs or new construction, or when said works are not obstructed by ice or by reason of some unavoidable breach in some structure of said works, or other casualty, or on account of scarcity of water, produced by drought, keep the same in good and proper condition and repair, for prompt, speedy and successful navigation by all boats not drawing more than three feet of water, and shall, from time to time, make all necessary and proper repairs and reconstructions as the board may require, and under the direction of the board, or an engineer appointed by said board, so as to keep said public works in good and proper condition of repair, and deliver up said public works to the state of Ohio at the termination of said lease, in like good condition; but no change of plan or materials shall be required which shall make the works more expensive than the old plan or materials used; and all such repairs shall be made at the time determined upon by said board, and after a reasonable

notice of the same shall be given by the board to said lessee or lessees; and the lessee or lessees of said public works shall permit all persons to navigate said canals or travel upon said road, making no distinction in tolls charged or privileges granted in favor of any person or company. And the rates of toll charged on the canals shall in no case exceed those adopted by said board in their toll-sheet of 1858, nor on said road the rate adopted by said board in 1859.

Sec. 5. If said lessee or lessees shall not fulfill all the covenants contained in said lease by him or them to be performed, the said lease may be forfeited at the option of the board of public works; in case said board shall declare said lease forfeited as aforesaid, they shall cause an entry to that effect to be made upon the journal of their proceedings, and shall immediately notify, in writing, the lessee or lessees of their action, and shall also in said notice separately and distinctly specify the grounds upon which such forfeiture is declared; and in all such cases the action of said board shall be final, unless within ten days after the service of said notice, the said lessee or lessees shall file in the office of said board, his or their written protest, denying or otherwise taking issue upon the charges so made by the said board in whole or in part, and the name of a referee; whereupon the board shall appoint a second referee, and shall notify the governor of said protest, who shall thereupon appoint a third referee, who shall be an experienced lawyer. The referees shall be citizens of Ohio, and shall, as soon as practicable, after their appointment, agree upon a time for meeting, not exceeding ten days after the appointment of said last appointed referee—unless the board and said lessee or lessees otherwise agree—and shall also fix some convenient place within the state, where said parties shall be heard, and when assembled at the time and place so fixed as aforesaid, shall be sworn or affirmed, well and faithfully to hear and examine the matters in controversy, and to make a true and just report therein, shall proceed to hear, examine, and determine the same. The trial before the referees shall be conducted in the same manner as a trial by a court; they shall have the same power to summon and enforce the attendance of witnesses, to administer all necessary oaths, and to grant adjournments, as a court would have upon such trial; and it shall be their duty to sign any true exceptions taken to any order or decision by them made in the case, and to return the same with their report. They shall make a report, in writing, stating the facts found and the conclusions of law separately, and their decision thereon, and shall file the same with the clerk of the superior court of Cincinnati, who shall thereupon docket a case upon the general term docket of said court, to be entitled "The State of Ohio against _____, The Lessees of the Public Works;" and said court, at its first general term thereafter, shall enter judgment on such decision, unless within ten days after the filing of said report, exceptions thereto shall be filed with said clerk. If exceptions be filed, it shall be the duty of said court, at its first general term thereafter, to hear said case, giving preference to the same over all other cases, and the said court shall have the same jurisdiction of said cases as it has of civil actions commenced therein. The referees shall be allowed such compensation for their services as the said court shall deem just and proper, and the witnesses shall be allowed the same fees as are by law allowed to wit-

Forfeiture.

Protest of lessee.

Referees.

—trial before

—report of

to be filed in superior court of Cincinnati, &c.

Compensation.

nresses in civil actions ; and such fees shall be taxed by the referees and returned with their report.

Duties of lessee on forfeitures.

SAC. 6. If said lease shall be adjudged to be forfeited, the said lessee or lessees shall immediately surrender up peaceable possession of said public works, and of all property of the state appertaining thereto, to the board of public works, and shall also be liable on his or their bond ; and if any lessee or lessees, or any employee, under him or them, shall refuse to deliver up the public works when said lease shall be declared or held forfeited in accordance with the provisions of this act (or any property of the state appertaining thereto), or shall resist any member of the board of public works, or other officer employed under said board, in the execution of his duty, after said forfeiture is duly declared, he or they shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

Rights, privileges and franchises vested by lease.

SAC. 7. The lease provided for in section three of this act, when executed and delivered, shall for the term aforesaid vest in said lessee or lessees such rights, privileges, and franchises now exercised by the state, as may be necessary to manage, control and keep in repair the public works, and collect tolls for the navigation of the same, together with the right to appoint superintendents, collectors, inspectors, lock tenders, weigh masters, and such other officers and agents as may be necessary, and said superintendents, collectors and other officers and agents shall have and exercise the same power and authority in the collection of tolls and water rents, and the levy of fines, as can now by law be exercised by similar officers and agents appointed by the state, and said lessee or lessees shall be governed by the rules and regulations for navigating the canals and Muskingum Improvement now in force, subject to such alterations and additions as may hereafter be established by law or the board of public works, not inconsistent with the terms of the lease herein provided for.

Property of State.

SAC. 8. The said lessee or lessees of the public works, shall receive all materials provided or contracted for, and boats, scows, tools, implements, horses, mules, and other property now belonging to and used by the state on said public works, at their appraised value, (which appraisement shall be made by three judicious disinterested persons, to be appointed as follows ; one by the lessee or lessees, one by the board of public works, and the third by the governor,) and pay to the state their appraised value at such times and in such sums as may be determined upon by said appraisers.

Construction and repairs.

SAC. 9. Whenever it shall become necessary in order to repair, protect, or reconstruct any part of the public works of the state, or to prevent injury to the property of any person or persons, or corporation, occasioned through or by the public works, to appropriate to the state the property of any person or persons, or corporations, or any easement in, to or over the same, the same shall be done in accordance with the provisions of the existing laws, and the compensation assessed for the property so appropriated shall be paid into the treasury by the lessee or lessees for the use and benefit of the party to whom the property thus appropriated belonged.

Assignment of lease.

SAC. 10. That said lessee or lessees shall not assign their lease or any interest therein without the assent of the board of public works thereto, entered in writing on said lease, and upon the jour-

nal of said board, and in every such assignment the assignee shall be held to have assumed all liabilities to the state of the original lessee or lessees under this act, and be governed in every particular as by this act the original lessee or lessees are now bound, so far as the same be applicable thereto, but such assignment shall in no manner diminish or effect the liability of the original lessee or lessees or the sureties on their bond.

Sec. 11. Whenever in the opinion of the lessee or lessees of any of the water power on said canals or slack water improvement, the said lessee or lessees of the public works do not supply him or them with the surplus water, as provided in their water leases, according to the true intent and meaning of the same, the said lessee or lessees of the water power may make complaint in writing to the board of public works, who shall examine into the truth of said complaint, and if the same be, in their opinion, well founded, the member of said board in whose division the said water power is located, shall forthwith notify the lessee or lessees of the said public works, of the nature of the injury complained of, and the said lessee or lessees of said public works, shall without any unnecessary delay correct the same, and in default thereof for the injuries sustained by them, the said lessee or lessees of water power may then have and maintain an action directly against said lessee or lessees of said public works, their sureties or their assignees, for the amount of such damage or injury sustained; and the said lessee or lessees of said public works shall have the same right as the state now has, when the water leases are forfeited for non-payment of rent or other cause, or expire, to re-enter and lease again with the consent of the board of public works, in writing, said water privileges for such period of time not exceeding the unexpired part of said ten years time.

Water power.

Sec. 12. It shall be the duty of each member of the board of public works to pass over and inspect the division under his immediate charge, as often as once every ninety days, and over the entire public works once a year; and the engineer of such division shall personally inspect every portion of such division, as often as once in thirty days, and report to the board from time to time, the result of such examinations.

Supervision
by board public
works.

Sec. 13. That if any member of the board of public works or engineer shall directly or indirectly hold or purchase any interest in the lease of said public works made and executed under the provisions of this act, or shall combine or collude with any lessee or lessees of the same to prevent the faithful execution of the provisions herein contained, he shall be deemed and held guilty of a misdemeanor, and shall, on conviction thereof, be fined in any sum not less than one thousand dollars nor more than three thousand dollars, and shall forfeit his office.

Member of
board not to
be interested
in lease.

Sec. 14. If the public works shall be leased under this act, the offices of collectors, superintendents, inspectors, lock-tenders, weigh-masters, and all other officers under the appointment of the board of public works, shall be abolished from and after the approval of said bond, and no officer shall be retained thereafter under the board of public works, except three engineers and a clerk of the board: Provided, that so soon as said works shall be leased under the provisions of this act, and the lessees shall have given notice to the board of public works of their readiness to take possession of said works, the board shall cause notice thereof to be given to all

Appointees of
the board.

superintendents, toll collectors, officers and agents of the state, employed on or about said works, who shall nevertheless continue to discharge the duties of their said offices and employments (at the expense of the lessees of said works), until removed or re-appointed, and the official bonds of such officers and agents shall enure to the use of said lessees, as to all moneys received, or acts done by them on account of said works, subsequent to the time when said lessees shall take possession as aforesaid: Provided, that whenever said lease shall terminate by forfeiture or otherwise, the said board are authorized to appoint such superintendents, toll collectors, officers and agents of the state as are now authorized to be appointed by the act passed March 24, 1860, entitled "an act defining the powers and prescribing the duties of the board of public works."

Actions—
venue, &c.

Sec. 15. Actions may be brought against said lessee or lessees, or their assignees, and their sureties, in any county in which they, or any one of them, reside, or may be summoned, or in any county into or through which any part of the public works that may be leased, as herein provided, may be located, and in any such action a summons may be issued to any county against one or more of the defendants, at the plaintiff's request.

—same.

Sec. 16. Actions may be brought by and against said lessees or their assignees, by the name of "The Lessees of the Public Works," in any county into or through which the same may be located, and service in such cases may be made on any collector of tolls of said lessees, and in making such service, sheriffs and constables are hereby authorized to make service without as well as within their respective counties, but executions issued on judgments rendered in such actions against said lessees shall operate only on their joint property as lessees.

Exception.

Sec. 17. This act shall take effect on its passage: Provided, that nothing in this act shall preclude the state from granting permission to the city of Cincinnati, to enter upon, and to improve as a public highway, and for sewerage purposes, all or any of that part of the Miami and Erie canal, which extends from the east side of Broadway, in said city, to the Ohio river, the state hereby reserving the right to make such grant.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK.

President of the Senate.

Passed May 8, 1861.

AN ACT

Relating to sutlers and military store keepers for the Ohio volunteer militia.

Approval of
governor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all appointments of sutlers and military store keepers to any of the regiments or brigades of the Ohio volunteer militia mustered into service under any of the laws of this state, shall be approved by the governor; and no appointment of such sutler or military store keeper shall take effect until the governor's approval shall be indorsed on the certificate thereof. Every sutler and mili-

tary store keeper so appointed shall give bond to the State of Ohio, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, which bond shall be approved by the governor before such sutler or military store keeper shall be allowed to act. Bond.

SEC. 2. Every sutler and military store keeper appointed under the provisions of this act shall be subject to removal at the discretion of the proper brigadier general, or the governor, and shall be liable on his official bond for all abuses of his trust. This act shall apply to all appointments heretofore made, as well as hereafter to be made. Removal.

SEC. 3. This act shall take effect from its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 9, 1861.

AN ACT

To further provide for the election of supervisors of roads and highways.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to vote for any candidate for supervisor of roads and highways who is not an actual resident of the road district in which such person voting resides, and if it shall appear to the satisfaction of the trustees, that any person or persons have voted for any person or persons for the office of supervisor, other than for the district in which he or they reside, the same shall be deemed void so far as that office is concerned; and if upon further examination it shall appear that there were more votes given for any supervisor or supervisors than there were resident electors voting in their respective districts at said election, then and in that case the trustees shall declare the office vacant, and proceed to fill the same as in other cases. Non residents
not to vote.

SEC. 2. That any person violating the provisions of this act, shall be fined in any sum not exceeding ten dollars, at the discretion of the court; suit to be brought before any court having competent jurisdiction. Penalty

SEC. 3. That any moneys collected under the provisions of this act, shall be paid over to the treasurer of the proper township, to be applied for the use of common schools. —for use of
schools.

SEC. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 9, 1861.

AN ACT

Relating to the organization of the militia volunteers called into service under the act entitled "an act to provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the president of the United States," passed April 23, 1861, and the act entitled "an act to provide more effectually for the defense of the state against invasion," passed April 26, 1861

**Appoint-
ments.** SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor is hereby authorized to appoint one chief of engineers and one chief of artillery, each with the rank of colonel, and one medical director, with the rank of lieutenant-colonel, who shall be assigned to such duties as the commander-in-chief may direct.

Staff officers. SEC. 2. The major-general serving under the first above recited act is authorized to appoint on his staff one assistant adjutant-general with the rank of lieutenant-colonel, and each brigadier-general serving under either of the above recited acts is authorized to appoint on his staff one assistant adjutant-general with the rank of lieutenant-colonel, and in addition to such staff officers, the major-general and brigadiers-general may respectively appoint upon their staffs such staff officers as are authorized to be appointed by similar officers by section forty-one of the act entitled "an act to organize and discipline the militia and volunteer militia," passed May 28, 1857, except that there shall not be appointed a brigade surgeon, or brigade engineer. And no other staff officers shall be allowed to such generals unless upon the requisition of the president of the United States for troops mustered into the service of the United States. Upon the expiration of the term of service of the troops with whom they serve, or upon such troops being sooner disbanded, the commissions of the officers appointed by authority of this section shall terminate.

**Regimental-
adjutants and
quarter-
masters.** SEC. 3. There shall be assigned to each regiment, organized under either of the above recited acts, two additional first-lieutenants to serve as regimental-adjutants and quarter-masters, who shall be commissioned on the appointment of the commandants of such regiments; but this section shall not authorize the appointment of any regimental-adjutant or quarter master in addition to those now authorized by law.

**Rule of gov-
ernment.** SEC. 4. All militia volunteers, accepted under either of the above recited acts, shall, from the date of such acceptance by the governor, be governed by the military laws of this state, and by the rules and articles of war of the United States.

**Promotions
and vacancies.** SEC. 5. Promotion in such militia volunteers shall be allowed for merit, or by seniority; and all vacancies may be temporarily filled by appointment by the governor.

SEC. 6. This act shall take effect upon its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed May 9, 1861.

AN ACT

For the protection of certain birds and game.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person at any time to catch, kill or injure, or to pursue with such intent, on the premises of another, or on the public highways, streets, alleys, or public common, any sparrow, robin, blue-bird, martin, thrush, mocking-bird, swallow, oriole, red-bird, cat-bird, chewing or ground robin, king-bird, bob-o-link, yellow-bird, pewee or phoebe, wren, cuckoo, indigo-bird, nut-hatch, creeper, yellow-hammer or flicker, warbler or finch; or in any place to catch, kill or injure, or pursue with such intent, any quail or Virginia partridge, between the first day of February and the first day of October: Provided, it shall be also unlawful for any person, at any time, to enter the enclosure of another for the purpose of netting quail or Virginia partridge, without his permission; or at any time after the first day of February and before the first day of October, to catch, kill or injure, or to pursue with such intent, any dove, wild rabbit or hare, except on the premises of the person so killing, injuring or pursuing.

Unlawful to kill—at any time.

—between Oct. 1 and June 1.

—to enter enclosure of another.

SEC. 2. It shall be unlawful for any person, at any time between the first day of February and the first day of September, to catch, kill or destroy, or to pursue with such intent, any wild turkey, ruffed grouse, or pheasant, pinnated grouse or prairie chicken, or any wild deer; or at any time between the first day of February and the first day of October, to catch, kill or destroy any meadow-lark or kill-deer; or at any time between the first day of February and the fourth day of July, to catch, kill or destroy any woodcock; or at any time between the fifteenth day of April and the first day of September, to catch, kill or destroy any wild goose, wild duck, teal, or other wild duck; or to purchase, or to have in his possession, or expose to sale any of the birds or game mentioned in this act, so caught or killed during the season when the catching, killing, injuring or destroying the same is hereby prohibited.

—between Feb 1 and Sept. 1.

—October 1.

—July 4.
15 April—1 Sept.

Purchase or sale.

SEC. 3. And it shall also be unlawful for any person, at any time after the passage of this act, by the aid or use of any swivel, punt gun, big gun (so called), or any gun other than the common shoulder gun; or by the aid or use of any punt boat, or sneak boat used for carrying such gun, to catch, kill, wound or destroy, or to pursue after with intent to catch, kill, wound or destroy, upon any of the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort within the state of Ohio, any wild geese, wood-duck, teal, canvass-back, blue-bill, or other wild duck.

Killing by other means than "common shoulder gun."

SEC. 4. It shall be unlawful for any person to destroy or disturb the eggs of any of the birds protected by this act.

Eggs.

SEC. 5. Any person offending against any of the provisions of this act, shall, on conviction, be fined in any sum not less than two dollars nor more than twenty dollars for each offense, with costs of prosecution, or be imprisoned in the county jail not more than twenty days, or both, at the discretion of the court.

Penalty.

SEC. 6. All prosecutions under this act shall be in the name of the state of Ohio, before any justice of the peace, or other officer or court having jurisdiction; and all fines imposed or collected in such cases, shall be paid into the county treasury, for the benefit of common schools.

Prosecutions.

Repeal and
saving clause.

EXC. 7. The act entitled "an act to prevent the killing of birds and other game," passed April 10, 1867, is hereby repealed: Provided, that such repeal shall not affect the prosecution of offenses committed against said act before the passage of this act.

SXC. 8. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT O. KIRK,
President of the Senate.

Passed April 30, 1861.

AN ACT

To amend sections two and three of an act entitled "an act to provide more effectually for the defense of the state against invasion," passed April 26, 1861.

Additional
seventeen reg-
iments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be amended so as to read as follows: SEC. 2. The governor is hereby authorized to accept and muster into service seventeen regiments of volunteer militia, and at his discretion organize any portion of the same not exceeding three regiments of eight companies each, into artillery or cavalry, in addition to the thirteen regiments already accepted under the requisition of the president of the United States, if in his judgment the same may be necessary to fill any requisition of the president of the United States, or to execute the laws of this state, or to repel any invasion thereof; Provided, said regiments shall be enlisted upon the condition that they volunteer into the service of the United States, or of the state, as the case may be, for the period of three years, unless sooner discharged by proper authority; and provided further, that such volunteer militia shall, from the time of their acceptance, be governed by the military laws of this state, and the rules and articles of war of the United States; and organized in accordance with the provisions of the act entitled "an act to provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the president of the United States," passed April 23, 1861, and the act or acts amendatory and supplemental thereto: Provided, that nothing in this act contained shall be construed so as to authorize the keeping in active service on the state, at any one time, of more than ten regiments.

Additional
appointments.

SEC. 2. That section three of said act be amended so as to read as follows: SEC. 3. In addition to the brigadiers general provided for by the act entitled "an act to provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the president of the United States," passed April 23, 1861, the governor is hereby authorized to appoint three additional brigadiers general, to take such command as may be assigned them; and in making such appointments the governor is not restricted to make the same from the general officers in commission in the militia of the state, any law of the state to the contrary notwithstanding.

Regiments al-
ready
accepted.

SEC. 3. The governor is hereby authorized to accept, under any call of the president of the United States, the enlistment for the

term of three years, unless sooner discharged, of any or all of the thirteen regiments already accepted under the requisition of the president already made upon the state for volunteer militia: Provided, that to fill any requisition from the president of the United States, beyond that already made for thirteen regiments, resort shall first be had to such regiments or companies as have been already organized under the authority of the state.

Sec. 4. That original sections two and three of the said act, passed April 26, 1861, are hereby repealed, but such repeal shall not affect any act done thereunder, and this act shall take effect from its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed May 8, 1861.

AN ACT

To provide against the transportation through this state of arms and munitions of war and articles contraband of war intended for the enemies of this state or of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor is hereby authorized and required to appoint in each county in this state, when and where he may deem such appointment necessary in order to carry out the purpose of this act, one or more inspectors of freights and merchandise, whose duty it shall be to examine, for the purpose of ascertaining whether the same contain arms, or munitions of war, or articles contraband of war, all cars, packages, boxes, barrels, and parcels, which may be brought into this state, or may be found in, or be in course of transportation through or from this state, when he shall have reason to suspect, and does suspect the same to contain such arms, munitions of war, or articles contraband of war, intended to be conveyed or furnished to the enemies of this state, or of the United States, and to carry into effect the provision of this act is hereby authorized to enter any buildings, enclosures, or water crafts, where he may have reason to believe such arms, munitions of war, or articles contraband of war, may be secreted.

Inspectors

Sec. 2. When any such inspector shall find any such car, package, box, barrel or parcel to contain any arms, or munitions of war, or articles contraband of war, which he has reason to suspect, and does suspect, are intended to be conveyed or furnished, either directly or indirectly, to the enemies of this state, or of the United States, he shall seize and detain the same, and forthwith notify the person or persons in possession of, or having charge of the same, to appear before him and to produce for his examination all bills of lading therefor, and all written instructions relative thereto, or the destination or delivery thereof. And such inspector is authorized and required to examine such person or persons, under oath, touching such car, package, box, barrel or parcel, and the contents thereof, and such other matters relative thereto as shall enable the inspector to ascertain the true destination of such arms, munitions and articles contraband of war, and the purpose for which, and the persons for

Duties.

whom intended, and such examination shall be reduced to writing and signed by the affiant: Provided, that no search or seizure of such property or merchandise shall be made at the residence of any citizen of the state of Ohio, unless supported by an oath or affirmation, particularly describing the place to be searched, and the article or articles to be seized.

Proceedings
after examina-
tion.

Seco. 3. If, on such examination, the inspector shall be satisfied that said arms, and munitions of war, and articles contraband of war, are intended for the use of this state, or of the friends of this state, and the United States, he shall immediately deliver the same to the person or persons in whose possession they were found, or who were in charge of the same. But if the person or persons having possession or charge of such car, package, box, barrel, or parcel, shall refuse to submit the bills of lading of the same, and all written instructions relative thereto, to the examination of the inspector, or shall refuse to submit to an examination, under oath, as hereinbefore provided for, or if, upon an inspection of said bills of lading and written instructions, and an examination, under oath, of the person or persons so having possession or charge of such car, package, box, barrel, or parcel, the inspector shall be satisfied that said arms and munitions of war, or articles contraband of war, are intended to be supplied, either directly or indirectly, to the enemies of this state, or of the United States, he shall detain and safely keep the same, and forthwith report the fact of such seizure, with a pertinent description of the articles seized, and of the package in which they were contained, to the probate judge of the county, and at the same time furnish him with copies of all bills of lading and written instructions submitted to his examination. The probate judge shall thereupon forthwith give notice for three successive weeks, in some newspaper printed in the county, of the fact of such seizure, and describing the articles seized, and the car, package, box, barrel, or parcel, in which the same were found, and specifying a day, immediately upon the expiration of said three weeks, when any person claiming the same may be heard in relation thereto. On the day appointed for such hearing, the probate judge shall proceed to hear and determine the facts relative to the said arms, munitions and articles contraband of war; he may adjourn such hearing from time to time upon good cause shown; he is authorized and required to examine, under oath, any person claiming such arms, munitions, or articles contraband of war, and any witnesses produced by him, or by the inspector, and shall carefully consider the written examination, if any, of the person in whose possession or charge such arms, munitions, and articles contraband of war, were found, and the copies of all bills of lading and written instructions relative thereto filed in his office, by the inspector, and if upon the whole case the court shall not be satisfied that such arms, munitions, and articles contraband of war, were intended to be forwarded or supplied directly or indirectly to the enemies of this state, or of the United States, he shall order the same to be delivered to the person or persons who may be entitled to the same, or to his or their authorized agent; but if the finding of the probate judge shall be that said arms, munitions, and articles contraband of war, were intended to be forwarded or supplied, either directly or indirectly, to the enemies of this state, or of the United States, he shall adjudge the same forfeited to the state of Ohio, and the said inspector shall cause the same to

be forwarded to the quarter-master general of this state, for the use of the state: Provided, however, that perishable articles shall be sold immediately, and the proceeds paid to the owner or owners, if decided in favor of the same; otherwise to be paid to the state.

Sec. 4. All proceedings under this act shall be in the name of the state of Ohio, against the party or parties claiming the property seized, and either party may appeal to the court of common pleas of the proper county, where an issue shall be ordered by the court, and may be tried by a jury on demand of either party. If the defendant appeal, he shall give such bail, and within such time as shall be ordered by the probate court.

Sec. 5. Inspectors appointed under the provisions of this act are hereby authorized to administer oaths to any persons coming or brought before them for examination touching any articles seized by such inspector; and any person guilty of false swearing upon such examination, shall be held to have committed perjury, and be liable to the punishment provided for perjury in other cases. Oaths.

Sec. 6. Before entering upon the discharge of his duties, every inspector appointed under the provisions of this act, shall make and execute a bond, to be accepted by the probate court of the county in which said inspector shall reside, in the sum of five thousand dollars, that he will do all and singular the duties imposed on him by the provisions of this act, and take an oath to support the constitution of the United States and of the state of Ohio, and honestly and faithfully to discharge the duties of his office. Every inspector appointed under this act shall be entitled to receive the sum of three dollars per day, for each day actually employed by him in the discharge of his duties; which per diem, and all expenses necessarily incident to the proper discharge of the duties of inspector, shall be paid out of the state treasury upon the warrant of the governor. Probate judges shall receive for the duties discharged by them under the provisions of this act, the same fees as are allowed them by law for similar services in other cases, to be paid in the same manner as the per diem of inspectors. Bond, compensation, &c.

Sec. 7. If any person shall obstruct or resist any inspector appointed under the provisions of this act, in the discharge of any of his duties, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the county jail not exceeding two months. And in case said inspector is resisted in the execution of his duty, he shall have the power to call to his aid the posse of the county. Resistance.

Sec. 8. Any property seized under this act, which may be by writing to that effect demanded on behalf of the United States government, by an officer of that government empowered to make seizures of arms, munitions, and other articles contraband of war, shall thereupon be surrendered to said officer, and such written demand, with the receipt of such officer indorsed thereon, or other proof satisfactory to the probate judge of the county, that such surrender has been made, being filed with such judge within ten days after the surrender, the inspector, or any keeper under him, shall stand discharged from all further liability in respect to the property seized. Property seized.

Sec. 9. Whenever, in the opinion of the governor, the public interests no longer demand the services of an inspector in any of the counties of this state, he is authorized and required to revoke the appointment of the inspector or inspectors of such county, and the governor may, at his pleasure, remove such inspector.

Sec. 10. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 10, 1861.

AN ACT

Making an appropriation for a purpose therein named.

General as-
sembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to former appropriations, there be and is hereby appropriated out of any money in the state treasury for general revenue purposes not otherwise appropriated, for the payment of the lieutenant-governor as president of the senate, members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, their assistants, and messenger boys, the sum of eleven thousand dollars, for the year 1861.

Sec. 2. This act to take effect from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 10, 1861.

AN ACT

To amend sections two and three of the act entitled an act for the disposition of unclaimed costs, passed March 18, 1839.

Sw. & Cr. 645.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the act entitled "an act for the disposition of unclaimed costs," passed March 18, 1839, be amended so as to read as follows: Sec. 2. The clerk of each court of common pleas, supreme, or superior court, in this state, and such [each] probate judge in this state, shall, on the first Monday of January in each year, hereafter make out two certified lists of all causes in which money may have been paid, and which may have remained in his hands, or any former clerk or probate judge, for a period of one year next preceding the first Monday of January, designating the amount, and in whose hands the same is, one of which lists shall be by said clerk and said probate judge set up in some conspicuous place in his office, and the other on the door of the court house, on the second Monday of January.

Lists of un-
claimed costs.

Sw. & Cr. 646.

SEC. 2 That section three of said act be amended so as to read as follows: Sec. 3. All such advertised fees or costs, debt or dam-

ages, as shall remain in the hands of the clerk or former clerk, or probate judge, at the expiration of one year from the time of such advertisement, shall be by said clerks and probate judge paid over to the treasurer of the county, taking his duplicate receipt therefor, one of which he shall preserve, and one of which he shall file with the auditor of the county; and any person entitled to any costs, fees, debt or damages so paid over, shall be entitled to an order for the same upon the county treasury, upon the certificate of the clerk or probate judge, by whom they have been paid over, or his successor in office.

Disposition at
expiration of
year.

Sno. 3. That said original sections two and three be and the same are hereby repealed; and this act shall be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 10, 1861.

AN ACT

To encourage the organization of fire companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person who is or may hereafter become an active member of any fire engine, hook and ladder, or hose company, for the extinguishment of fire, or the protection of property against fire, now existing and under the control of the corporate authorities of any incorporated city, town or village within this state, or of any company that may hereafter be organized under and subject to the authorities of any city or town as aforesaid, shall, during the time he shall continue an active member of such company, be exempted from the performance of military duty in time of peace, and from the performance of labor on the highways: Provided, that the number of members of such engine company shall not exceed forty, and of such hook and ladder company thirty, and of such hose company twenty; and provided further, that no person who is receiving pay for his services in any such company shall be entitled to receive the benefits of the exemptions of this act.

Exemptions.

Sno. 2. This act to take effect from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 11, 1861.

AN ACT

To afford relief to the families of soldiers mustered into the service of the United States, and in the service of the State, under the requisition of the president.

Levy of county
commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of county commissioners of any county in this state is hereby authorized to levy, in the year 1861, a tax not exceeding the one-half of one mill on the dollar's valuation of the taxable property of such county, for the purpose of affording relief to the families of the Ohio volunteer militia mustered into the service of the United States, under the requisition of the president, or into the actual service of the state of Ohio.

Board of relief.

SEC. 2. That the said boards of county commissioners shall respectively constitute a board, for the purpose of affording relief to the families of the Ohio volunteer militia mustered into the service of the United States, or into the actual service of the state of Ohio, who were residents of such county at the time of enlistment. To anticipate the receipts which may come into the treasury, by virtue of the tax levied under the authority of this act, the said boards are hereby authorized to borrow from time to time, as may be deemed necessary, such sums as shall not in the aggregate exceed three-fourths of the total sum of the tax levied for this purpose, which sums so borrowed shall be repaid with interest, at a rate not exceeding six per cent., out of the money thereafter collected from such assessment. The fund raised by authority of this act shall be distributed by said boards to the relief of said families as their wants and necessities may require, under such rules and regulations as may be prescribed by the rules and regulations of said board. Such rules and regulations shall be adopted only by the concurrent vote in their favor of all the members composing such board. The family of each soldier may, in the discretion of said board, be relieved from the date of enlistment until one month after he is discharged from the service of the United States, or the State of Ohio: Provided, however, if he shall have become disabled, or shall have been killed, or shall have died in said service, the relief may be extended for one year after the date of such disability or death. The word family, as used in this act, shall be construed to mean only a wife, or minor child or children, or a dependent parent.

Unexpended
balance of
fund.

SEC. 3. The county commissioners of any county which shall raise a fund for the purposes mentioned in this act, are authorized to transfer any portion of said fund that may remain unexpended for said purposes to the county fund of said county.

SEC. 4. This act to take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 10, 1861.

AN ACT

To provide for the payment of costs adjudged against the state of Ohio, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be and hereby is appropriated from any moneys in the state treasury, not otherwise appropriated, the sum of three hundred dollars for the payment of costs in cases adjudged against the state of Ohio, to be paid on the certificate of the attorney general. Costs.

For payment of Paul Edwards, balance due on settlement of account as collector of tolls at Toledo, as per the books of the auditor of state, one hundred twenty-four dollars and forty-seven cents. Collector at Toledo.

For payment of laborers employed by Joseph Warwick, sergeant-at-arms of the house, to be paid on the certificate of said Warwick, sixty dollars. Warwick.

For the payment of salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the blind, in addition to former appropriations, eight hundred and seventy-five dollars. Blind asylum.

Sec 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 10, 1861.

AN ACT

Making appropriations for the year 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated, in addition to former appropriations, out of any money in the state treasury belonging to the general revenue, to be paid out according to existing laws:

For the payment of publishing the daily proceedings of the general assembly in the Ohio State Journal and Ohio Statesman, the sum of one hundred and fifty dollars. Journal and Statesman.

For the payment to C. Donahue, for ten days labor in senate chamber, ten dollars. Donahue.

For the payment of the claim of Samuel Doyle, being the balance due on three checks, drawn Dec. 15, 1856, Jan. 15, 1857, and Feb. 15, 1857, each for the sum of \$1,915 00, and payable to Samuel Doyle; which, when paid, shall be in full of all demands on the part of said Samuel Doyle and Samuel Doyle & Co., against the state of Ohio, of every kind and description, growing out of the contract between said Doyle & Co. and the State of Ohio, for repairs of section No. 2 of the public works of the State up to Feb. 15, 1857, the time for which said checks were given, two thousand seven hundred sixty-one dollars forty-four cents. Doyle.

Sec 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 11, 1861.

AN ACT

Relating to uniforms of the militia.

Militia of the
reserve.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor may, by general order, dispense with the requirements of section 14 of the act entitled "an act to organize and discipline the militia and volunteer militia," passed March 23, 1857, so far as relates to the color of the uniform of the militia of the reserve, and direct the adoption for said uniform of the militia of the reserve of such other color as he may think best: Provided, that no other change shall be made except that of color, and all companies wearing the changed uniform, when mustered into the service, shall be organized into regiments wearing the same color.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

Further to provide for the support of the militia mustered and to be mustered into the service of the state.

Transfer of
appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the sum of five hundred thousand dollars appropriated by the "act to provide more effectually for the defense of the state against invasion," shall be insufficient for the payment of the expenses that may be incurred under the second section of said act, the deficiency shall be paid from the sum appropriated for the purposes mentioned in the first section of said act.

SEC. 2. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

Supplementary to the acts in force, in relation to the assessment and taxation of property according to its true value in money.

Gift book
stores, and
other transient
persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any transient person shall locate in any city, incorporated village, or in any township, in this state, and shall offer to sell or otherwise dispose of any books or other goods, wares or merchandize, under the name of a gift book store, or any other name or designation, it shall be the duty of the assessor for the time being, of the township wherein such person shall locate, forthwith to

call upon such person, and demand of him the true value in money of all his stock in trade; and in case such person shall neglect or refuse to return the same under oath, within twenty-four hours after such demand, then it shall be the duty of said assessor to determine the same as in other cases, and in either case he shall forthwith return said valuation to the auditor of the county.

Sec. 2 Immediately upon obtaining such valuation, the auditor upon said valuation, of all county, township and municipal taxes, properly chargeable upon personal property in said township, for the period of one month thereafter; and shall forthwith certify the same to the treasurer of the county, who shall forthwith enter the same on the duplicate for taxation, and immediately thereafter notify such person of the amount of said assessment; and in case of the neglect or refusal of such person to pay the amount of such assessment within twenty-four hours after receiving said notice, the treasurer shall issue his distress warrant, and collect the same as in other cases of delinquency in the payment of the taxes assessed upon personal property.

Assessment
for one month.

To be paid
within twenty-four hours
of notice.

Sec. 3. That the like proceedings in all respects, as is provided in the foregoing section, shall be had and taken by the auditor and treasurer aforesaid, on the first day of each succeeding month, so long as such transient person shall remain within such county, offering to sell or otherwise dispose of any books, goods, wares or merchandize, under any name or designation whatsoever, and the like proceedings, as provided for in the foregoing sections, shall be had on the first days of each and every month, by the assessor of the township, and the auditor and treasurer of each and every county into which such transient person shall remove, and shall offer to sell or otherwise dispose of any books, goods, wares or merchandize, as above described.

Each succeeding
month.

Sec. 4. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

To amend the first section of the "act for the protection of fish," passed April 17, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section first of the act entitled an "act for the protection of fish," passed April 17, 1857, be and the same is amended to read as follows:

Sw. & Or. 73

Section 1. That it shall be unlawful to catch, or attempt to catch fish by means of any drag net, gill net, drift net, seine, fish-basket, fish-pot, set net, stationary net, or wier pound, or by poisoning the waters with lime or any deleterious substance whatever, in any of the rivers, creeks or streams within this state, which terminate in the navigable waters of Lake Erie or Ohio river, at any point or

Use of certain
nets, &c., pro-
hibited.

place therein above the common level or back waters of said Lake Erie and the river Ohio, or by obstructing in any way the natural transit of fish up or down any of the said rivers, creeks or streams; and it shall be further unlawful to catch, or attempt to catch any fish by the use of any net, seine, basket, pot or pound, hereinbefore mentioned, in the said waters of Lake Erie, or in that part of said rivers, creeks or streams which are on a common level with, or the back waters of Lake Erie, at any time between the twentieth day of May and the first day of September.

SEC. 2. This act shall be in force from and after its passage, and the original section one of the above recited act is hereby repealed.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

Supplementary to an act to relieve district courts, and to give greater efficiency to the judicial system of the state, passed April 12, 1858, and of the act amendatory thereof, passed March 31, 1859.

Removal of
surety.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases in which a second trial has been or shall be allowed, and an undertaking entered into by the party demanding the same, as provided in sections one and two of the said act "to relieve the district courts and to give greater efficiency to the judicial system of the state," and the surety in the undertaking shall have removed from the county, or the undertaking is for any cause insufficient or insecure, the court shall, on motion, order a new undertaking to be executed to the satisfaction of the clerk of such court; and if such order shall not be complied with in such reasonable time as the court shall determine, it shall be the duty of such court, on motion, to render judgment in such cause against the party demanding the second trial for the amount of the judgment rendered upon the first trial, together with the interest accrued thereon and for costs of suit, and to award execution thereon as in other cases.

Acts repealed.

SEC. 2. The act passed March 10, 1860, entitled an act supplementary to an act to relieve district courts, and to give greater efficiency to the judicial system of the state, passed April 12, 1858, of the act amendatory thereof, passed March 31, 1859, is hereby repealed, and this act shall be in force from its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

Making appropriations for the maintenance and repair of the public works from February 15 to June 1, 1861, and for the payment of outstanding indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated in addition to the unexpended balance of former appropriations, (and that the same may be paid, the restrictive proviso attached to the canal appropriation act, passed March 26, 1860, is hereby repealed,) to be paid out of any money in the treasury from general revenue, not otherwise appropriated, for the maintenance of the public works for the above named period, subject to the check of the commissioner in charge of the respective divisions for which the appropriations are made, the sums following: Appropriation.

For general superintendence, construction and repairs of the northern division of the Ohio and the Walhonding canal, and the Western Reserve and Maumee Road, the sum of four thousand dollars.

For general superintendence, construction and repairs of the southern division of the Ohio and the Hocking canals and the Muskingum Improvement, the sum of eighteen thousand dollars.

For general superintendence, construction and repairs of the Miami and Erie canal, the sum of eighteen thousand five hundred dollars.

For the purchase of lands and payment of damages to lands on the borders of the Mercer County Reservoir, the sum of six thousand five hundred dollars.

For the payment of salaries of collectors, weigh-masters and inspectors, the sum of five thousand nine hundred and fifty dollars.

For the payment of salaries of resident engineers for the fiscal year 1861, the sum of six thousand dollars.

For attorneys' fees and incidentals, the sum of one thousand dollars. For the payment of damages to land, the sum of one thousand dollars. For the purchase of land, five hundred dollars. For incidental expenses of the office of the board of public works, the sum of one thousand five hundred dollars; and for the payment of salary of secretary of said board, the sum of one thousand dollars—subject to the check of the president of said board.

For the payment of the salaries of the members of the board, the sum of four thousand five hundred dollars, to be drawn on the warrant of the auditor of state.

For the purchase or condemnation of lands in the Lewistown Reservoir, subject to the check of the commissioner in charge of the same, the sum of thirty thousand dollars: Provided, that upon the affidavit of any member of the board of public works that justice cannot be done to the state in the trial of cases for the appropriation of said lands in the county in which said lands are situated, it shall be the duty of the court to change the venue and transfer said cases for trial to the probate court of some adjoining county.

SEC. 2. There is also hereby appropriated for the payment of outstanding indebtedness on divisions number one and two, contracted previous to November 15, 1860, the following sums:

For the payment of checks issued by A. L. Backus to contractors and superintendents prior to February 15, 1861, the sum of fifty-two thousand dollars.

For the payment of engineers' certificates to contractors for work done on the Muskingum Improvement, the sum of eleven thousand five hundred and seventy-four dollars and twenty-seven cents.

For the payment of checks issued to contractors by John B. Gregory, for deferred payments under their contracts, the sum of seven thousand nine hundred and thirty-eight dollars: Provided, that said checks and certificates be paid only according to priority of date of said checks and certificates.

Remeasure-
ment and esti-
mate of work
heretofore
done.

Sec. 3. The board of public works are hereby authorized, if practicable, to cause to be made by some competent engineer, not now in the service of the state, a remeasurement and estimate of the work done by contract on the Ohio canal and the Muskingum Improvement, under the order of the board of public works, providing for the repairs of the canals and improvement, after the flood of April 1860, and said contractors shall be paid according to said revised estimates and measurements, deducting from the amount of the checks or certificates held by them or adding to, as the case may require, according to the revised estimates and remeasurements: Provided, that such remeasurement shall be made in thirty days from the passage of this act.

Penalty for
making con-
tracts in ex-
cess of appro-
priations.

Sec. 4. The board of public works, and each member thereof, is hereby prohibited during the current fiscal year, from making any contracts or causing any work to be done on the public works of the state, either for construction, reconstruction or repairs, the sums requisite for the payment of which will exceed the amount specifically appropriated for those purposes by this act; and all contracts made in violation of this section shall be void; and any member of the board violating the provisions of this section, shall forfeit his office, and shall forever thereafter be ineligible to any office of trust or profit in this state.

Sec. 5. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

Proroguing the rates of taxation for state purposes, and to limit the levy of local taxes for the year 1861.

Levy for state
purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be levied for the year 1861, in lieu of the taxes now authorized by law for the purposes herein named, on each dollar of the taxable property, for the ordinary expenses of the state government, including the expenses of the public benevolent institutions and other charges on the general revenue, one and four-tenths mills on the dollar.

Local taxes.

Sec. 2. That for the year 1861, the levy of local taxes on the dollar's valuation of property subject to taxation for the several purposes hereinafter named, shall not exceed the following rates, anything in any law to the contrary notwithstanding:

COUNTY TAXES.

For all county expenses, road, bridge and poor purposes included, on such portion of the valuation as does not exceed one million of dollars, eight mills; and on such portion as exceeds this sum, two and one-half mills.

SCHOOL TAXES.

For the payment of teachers, purchase of fuel, repairs of school buildings, and all general and incidental expenses for the maintenance of schools, except for the purchase of sites and the erection of school buildings, three mills.

PROVISO.

It is hereby expressly provided, that the above limitations shall not include any levies required to be made to pay the principal or interest on the funded debt or other existing debts of any county or school district, nor so as to prevent the county commissioners from levying any tax authorized by law to provide for expenses arising out of the military operations of the country; but such levies may be in addition to the limitations of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

To prevent the sale of intoxicating liquors in the vicinity of camps.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall sell or expose for sale, or otherwise dispose of in any way, or at any place at or within the distance of two miles of any military camp in this state, any intoxicating liquor; nor shall any person be allowed to keep any shop, booth, tent, wagon, or other carriage, vessel or boat, or any stand or table, for the sale of any spirituous or other intoxicating liquors at such camp, or within the distance of two miles of the same.

Sale of liquor within two miles of camp.

Sec. 2. The provisions of the first section of this act shall not be construed to prevent persons in a city or village from carrying on any trade or business now authorized by law, at their regular places of business. Any person found guilty of committing a breach of the provisions of this act shall forfeit and pay for every such offense a fine of not less than ten dollars nor more than one hundred dollars into the treasury of the proper township, for the use of common schools; and any sheriff, coroner, constable, justice of the peace of the proper county, or a commissioned officer of the volunteer militia of this state shall, upon view, without warrant, apprehend any person so offending, and seize all such liquors and the utensils or furniture containing the same, and convey them before some justice

City or village exempted.

Penalty

Arrest and prosecution.

of the peace or mayor within the county, and such justice or mayor, upon complaint, under oath, of the officer so apprehending, or any other person filing information, shall issue his warrant of arrest, which shall be served by any of the officers herein authorized to make arrests, and proceed to inquire into the truth of such accusation, and if found true, shall proceed to bind the offender in such amount, not exceeding five hundred dollars, as he shall deem proper, to answer at the next regular term of the court of common pleas of the proper county, to be proceeded with by indictment, the fine and costs to be collected as in other criminal cases: Provided, that if such offender shall plead guilty, such justice or mayor shall affix the penalty and proceed to judgment, and in such case he shall immediately issue an execution against the property and body of the defendant for the fine and costs, unless paid or secured, and said defendant shall not be discharged until the same are so paid or secured.

Sec. 3. This act shall take effect on its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

AN ACT

For the preservation and repair of the national road in Ohio, and for the collection of tolls thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works shall continue in charge of that portion of the national road in Ohio which has been completed by the United States and accepted by the authorities of this state.

To be in charge of board of public works.

Their powers and duties.

Sec. 2. In the performance of their duties, as agents of the state in charge of said road, the said board shall have the following powers: First—To appoint a resident engineer to be placed in special charge of said road, subject to the instructions of said board, who shall hold his office for one year, and shall qualify and give bond to the satisfaction of said board before entering upon the duties of his office, and shall receive the same compensation as is paid to other resident engineers in the employ of said board. Second—To appoint collectors of tolls, or gate keepers, who shall also qualify and give bond to the satisfaction of said board, and shall hold their offices during the pleasure of said board, and shall receive such compensation as said board may deem just, not exceeding the amount allowed for similar services on other public works of this state. Third—To fix such rates of toll for all travel on said road as they may deem necessary to meet the demands on the road fund, and revise and alter the same whenever in their opinion the interests of said road may require it. Fourth—To compound with persons residing within ten miles of any toll gate, allowing them such percentage for advance payment of toll, and under such regulations and restrictions as said board may consider reasonable and just. Fifth—To make such rules and regulations, not inconsistent with the laws

of this state, as they may from time to time judge reasonable and necessary for the preservation and repair of said road, or the collection of tolls thereon.

Sec. 3. Any person who shall violate any of the rules or regulations which may be established by said board according to the provisions of the preceding section, shall forfeit and pay a penalty of ten dollars for every such offense. Penalty.

Sec. 4. It shall be the duty of the resident engineer of said road: Duties of resident engineer.
 First—To superintend in person said road, and prescribe and superintend all repairs to be made thereon, and disburse all moneys for the same, and devote his entire time, Sundays excepted, to the duties herein required of him. Second—To collect from the different gate keepers and pay into the state treasury, according to law, all moneys which may be derived from said road. Third—To establish toll gates on said road, with the advice and consent of said board, at such points as may be deemed best for the interests of the road. Fourth—To report quarterly to the auditor of state, on the fifteenth day of February, May, August and November, respectively, in each year, or within six days thereafter, a true and detailed statement of all his receipts and expenditures, with vouchers for expenditures as such engineer, for the preceding quarter. Fifth—To report, on or before the thirtieth day of November in each year, both to the auditor of state and to the board of public works, a detailed statement of all his transactions as such engineer for the year ending on the fifteenth day of said month, in which he shall state specifically the amount of all moneys by him received on behalf of the state, the date and amount of each receipt, and the name of the person paying the same; also the amount of all moneys by him paid out, the date and amount of each payment, and to whom and on what account the same was paid; also a statement of all unpaid orders given for money due on account of said road, with the date and amount of each order, the name of the person in whose favor the same was drawn, and of the person upon whom drawn, and on what account. Said report shall be filed and carefully preserved by the auditor of state and the board of public works in their respective offices, and shall also be copied into and made a part of the annual report of said board.

Sec. 5. Said engineer may administer an oath or affirmation, whenever in the discharge of his official duties the same may be necessary. Oaths.

Sec. 6. Each collector of tolls on said road shall demand and collect from persons traveling said road the amount of toll due for their travel, according to the rates which may be established by the board of public works, and subject to the instructions of said board; and shall on the first day of each month, or so soon thereafter as the same may be demanded, pay over to the resident engineer, or to any person authorized by him to receive the same, all moneys collected by said collector, or at his gate, during the preceding month, after deducting the amount of his monthly salary, and shall take triplicate receipts therefor, one of which he shall transmit to the auditor of state, one to the comptroller of the treasury, and one he shall retain. Duties of collectors.

Sec. 7. Any resident engineer or collector of tolls employed on said road, who shall fail to comply with any of the provisions of this act, shall thereby forfeit his office or appointment, and be incapable of holding any appointment on said road after such failure. Forfeitures.

Refusal to
pay toll.

SEC. 8. The respective gate keepers on said road are hereby authorized to stop and detain the persons or property chargeable with toll under the regulations of the board of public works until such toll is paid.

Avoidance of
gate.

SEC. 9. Any person who shall pass through, or around, or in any manner avoid either of the toll gates which are or may be established according to law on said road, with the intention of avoiding the payment of toll, shall forfeit and pay a penalty of five dollars for each offense.

Breaking
open.

SEC. 10. Any person who shall willfully break open any toll gate lawfully established on said road, or shall in any way injure the same, or the house, or other fixtures thereto belonging, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine not exceeding one hundred dollars and the costs of prosecution, and may be imprisoned in the county jail for a term of not less than thirty days, at the discretion of the court, and shall also be liable for all damages consequent upon such offense.

When toll
shall not be
charged.

SEC. 11. No toll shall be charged or collected for children passing to or from school, or for regular clergymen attending their official duties, persons passing to or from public worship on Sunday, to or from a funeral, to or from a militia muster or other military meetings, when the individual is by law compelled to attend, or to or from elections, nor for any cavalry or other troops, munitions of war or military stores belonging to the United States or any state or territory of the United States, nor from any person on duty in the military service of the United States, nor for any horse or vehicle carrying the United States mail.

Passing vehi-
cles.

SEC. 12. All vehicles when passing each other on said road shall, if passing in opposite directions, move to the right of the center of the road, so as to admit of a free passage without endangering either; and when a vehicle shall be overtaken by another passing in the same direction, the forward vehicle shall immediately, if required, move to the right and the other to the left of the center of the road, so that a free passage can be effected without hindrance or danger to either. Any person who shall violate either of the provisions of this section shall, for every such offense, forfeit and pay a penalty of five dollars, and moreover be liable to the party or parties injured for all damages consequent upon such violation.

Running
against.

SEC. 13. If the driver of any vehicle shall willfully or negligently run against any other vehicle, or against the horse or other animal drawing the same, whereby injury may be done to such other vehicle, or to any person therein, or to any horse or other animal drawing the same, or to anything connected therewith, every person so offending shall forfeit and pay a penalty of not less than ten dollars, nor more than fifty dollars, and moreover be liable to the parties injured for all damages sustained.

Bridges—
droves.

SEC. 14. In passing droves of domestic animals over the wooden bridges on said road, not more than twenty head of neat cattle, horses, mules or asses, and not more than one hundred head of hogs or sheep shall be permitted to be on either of said bridges at any one time. Any person violating any provision of this section shall forfeit and pay a penalty of ten dollars for every such offense.

—fire.

SEC. 15. No person shall carry fire across any wooden bridge on said road unless enclosed in a lantern, or some other close vessel, under a penalty of ten dollars for each offense.

Sec. 16. No person shall ride or drive any horse or other animal —gait.
over any of the wooden bridges on said road at a gait faster than a walk, under a penalty of ten dollars for each offense.

Sec. 17. No person shall be permitted to stand his wagon or Obstructions.
other vehicle or team on any part of said road, or of the ditches, so as to obstruct the bridges and uninterrupted use of said road. Any person who shall violate either of the provisions of this section shall, for every such offense, forfeit and pay a penalty of three dollars.

Sec. 18. No person shall deposit any wood, coal, lumber or other Same.
kind of material on any part of said road, except by direction of an officer in charge of said road; nor obstruct in any way the ditches, turnpike, side roads, bridges or culverts connected therewith, nor deposit ashes thereon, nor give rise to the accumulation thereon of any kind of rubbish, nor pile wood on the south side of the road within the proper limits thereof, nor on the north side except north of the side ditches and by permission of the engineer who may have charge of the road. Any person who shall violate either of the provisions of this section shall forfeit and pay a penalty of two dollars for every such offense, and the wood, coal, lumber or other material so deposited shall be forfeited to the use of the road; any [and] if any person so depositing any such wood, coal, lumber, or other materials, or giving rise to any such obstructions, shall be notified to remove the same by the resident engineer in charge of said road, he shall forfeit and pay a penalty of two dollars for each day that he shall neglect to comply with such notice.

Sec. 19. The proper limits of said road are hereby defined to be Limits of road.
a space of eighty feet in width—forty feet on each side of the center of the graded roadbed.

Sec. 20. No person shall erect, or cause to be erected, any build- Erections on
ing of any description, or any temporary fixtures or fences, not au- land belong-
thorized by law, on land belonging to said road, or within a space ing to road.
of sixty feet in width, thirty feet on each side of the center of the graded roadbed. Every person violating any provision of this section shall, for every such offense, forfeit and pay a penalty of five dollars, and a like sum for every three days that such building, fixtures or fences, may remain on said premises, after notice to remove the same shall have been given by said engineer.

Sec. 21. Any person who shall fast-lock or rough-lock either of Rough-lock-
the wheels of any wheeled vehicle while traveling on said road (ex- ing.
cepting on such parts as may be at the time of said locking covered with ice) shall, for every such offense, forfeit and pay a penalty of not less than two dollars, nor more than five dollars.

Sec. 22. Any person who shall willfully or negligently cut, mar, Injuring fix-
or in any way injure the wood or stone work of any bridge, culvert, tures.
gate, or other fixture on said road, shall, for every such offense, forfeit and pay a penalty of not less than five dollars, nor more than fifty dollars.

Sec. 23. Any person who shall, without license from an officer Removing
having charge of said road, remove, displace, or in any way destroy blocks, etc.
any blocks, logs, or other thing placed upon said road for the purpose of changing the direction of the travel thereon, shall, for every such offense, forfeit and pay a penalty of five dollars.

Sec. 24. No person shall drag any log, timber, or other thing Dragging.
or material that may injure the same, on any part of said road, or

- in the side ditches thereof, under penalty of five dollars for every such offense.
- Opening road-bed.** **Sec. 25.** No person shall open or disturb in any way the road-bed or grade of said road for any purpose, without express permission of the member of the board of public works or engineer in charge of said road; and in case such permission shall be obtained, the work shall be done in such manner and under such restrictions as may be prescribed by such member or engineer. Any person violating any provision of this section shall forfeit and pay a penalty of not less than ten dollars, nor more than fifty dollars for every such offense.
- Where road passes through town or village.** **Sec. 26.** When said road passes through any town or village, each and every person owning or occupying a lot with improvements on the same, shall be obliged, if required by the member of the board of public works or engineer having charge of said road, to make, or cause to be made, a paved gutter the whole length of said lot, and in the line, and according to the grade of the original side ditch of said road, and to keep the same in good repair, so as at all times to admit of a free passage for the water. Any person failing or neglecting to comply with the provisions of this section, shall forfeit and pay a penalty of two dollars for every twenty-four hours he may so fail or neglect after notice shall have been given by said member or engineer.
- Connecting roads.** **Sec. 27.** Any person who shall connect any private road, bridge or cart-way, with the national road, shall connect, construct and maintain such road, bridge or cart-way, under the direction and according to the instructions of the member of the board of public works or engineer aforesaid. Any person failing to comply with the provisions of this section shall forfeit and pay a penalty of one dollar for every day he shall so fail to comply with the instructions of said member or engineer.
- Same.** **Sec. 28.** All supervisors of roads shall connect and maintain every state, county or other road coming within their jurisdiction and connecting with the national road, in the same manner and under the same penalties for non-compliance as specified in the preceding section.
- General provision as to costs and damages.** **Sec. 29.** Any person who shall be convicted of a violation of any of the provisions of this act shall, in addition to the specific penalty attached to such offense, pay all the taxable costs of prosecution, and moreover, be liable for all damages sustained by the road, or anything thereto belonging, or by any individual in consequence of such violation.
- Suits—trial.** **Sec. 30.** The member of the board of public works having charge of said road, the resident engineer, or any collector of tolls thereon, is authorized to commence suit in the name and on behalf of the state of Ohio against any person charged with the commission of any offense, or made liable under the provisions of this act, or the regulations that may be adopted in pursuance thereof by the board of public works before any justice of the peace in the county in this state where the person so charged or made liable may be found, or in the county where the offense was committed; and if any person so charged or made liable shall, when before the justice for their trial, ask for an adjournment of the trial, or a continuance of the case, and if the justice shall deem it expedient to grant such adjournment or continuance, it shall thereupon

be his duty to reduce to writing the testimony of each witness in attendance on the part of the state, and to cause the same to be subscribed and sworn to. The defendant shall have the right to cross-examine witnesses, and the depositions so taken shall be competent evidence on the trial of the case before said justice; and should the case be appealed, they shall be competent evidence upon the trial in the appellate court.

SEC. 31. All moneys received on behalf of the state for fines, penalties or damages under the provisions of this act, and the regulations which may be established by the board of public works in pursuance thereof, by any person other than a collector, shall, after the costs and expenses of collection are deducted, be paid over to the collector whose office is nearest to the place where such moneys are received or collected, within twenty days after the receipt of such moneys, and shall be by such collector accounted for in the same manner as he accounts for tolls collected by him. Disposition of fines.

SEC. 32. Any person who shall neglect or refuse to pay over the moneys received or collected by him agreeably to the provisions of the preceding section, shall, on conviction thereof, forfeit and pay twenty-five per centum on the amount so detained by him as a penalty, which penalty and the amount so detained shall be sued for and collected by the collector to whom the moneys so detained shall have been paid, or by the engineer in charge of said road, in a civil action for and on behalf of the state. —failure to pay over.

SEC. 33. It shall be lawful in all cases of suit brought under this act, or the regulations which may be established by the board of public works in pursuance thereof, for a *capias* to issue on demand of the officer or agent of the state ordering the same, upon affidavit being filed stating the facts necessary to constitute the offense, and after judgment, a *capias ad satisfaciendum* shall issue without affidavit. Capias.

SEC. 34. If any collector, superintendent, engineer, member of the board of public works, or other person, shall commence any suit or institute any other proceedings under the provisions of this act, or any regulation of the board of public works, and judgment shall be rendered for the defendant in such suit or other proceedings, or such suit or other proceedings be discontinued without the consent of the parties, such collector, engineer, member of the board of public works, or other person commencing such suit or other proceedings, shall be liable to the defendant, or any other person interested therein, for all costs, hindrances, delay and other damages sustained thereby, to be recovered by action on the case in any court of competent jurisdiction, unless the court or jury, as the case may be, shall be satisfied by evidence produced, that there was probable cause for commencing such former suit or other proceeding. Malicious prosecution.

SEC. 35. In all prosecutions and proceedings under this act, it shall be lawful for either party to appeal to the court of common pleas of the proper county, upon the same conditions and in the same manner as appeals are allowed by law in civil cases cognizable by justices of the peace. Appeal.

SEC. 36. All payments into the state treasury on account of said road, shall be kept to the credit of the National Road fund, separate and distinct from all other funds, and all payments on ac-

count of said road from the treasury, shall be paid out of said fund; and the auditor of state, and the treasurer of state shall each, in his regular report to the general assembly, exhibit the receipts into and the disbursements from said fund, and its condition at the close of each fiscal year; and all of said National Road fund shall be preserved for the improvement and keeping in repair of said National Road.

Copies of act
and rules to be
distributed.

Sec. 37. The board of public works shall cause a sufficient number of copies of this act, and of such regulations as they may establish in pursuance thereof, to be printed and distributed to the superintendents and collectors, to be kept in their respective offices for public inspection. They shall also cause to be printed or painted in large characters, the rates of toll authorized to be collected on said road, and keep the same posted in some conspicuous place at each gate.

Extension of
provisions of
certain act.

Sec. 38. The provisions of an act entitled "an act conferring certain powers on and prescribing certain duties of the board of public works," passed April 4, 1859, are hereby extended, so far as they may be applicable, to the management of the National Road.

Acts repealed.

Sec. 39. That sections two to fourteen inclusive, of the act "for the preservation and repair of the United States road," passed February 4, 1831; the act "for the preservation and repair of the National Road, and for the collection of tolls thereon," passed March 13, 1843, and the act amendatory thereto, passed March 8, 1845; the act "authorizing the board of public works to fix the salaries of certain officers, and for other purposes," passed February 28, 1846, be and the same are hereby repealed: provided, that nothing herein contained shall in anywise effect any suit or prosecution heretofore commenced, or hereafter to be commenced for anything that occurred while said acts were in force, nor affect any previous action of the board of public works not inconsistent with the provisions of this act.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

JOINT RESOLUTION,

Relative to purchasing chairs.

Resolved by the General Assembly of the State of Ohio, That the sergeant-at-arms of the Senate and House be directed to purchase, for the use of the two halls and committee rooms, fifteen dozen chairs, at a price not exceeding \$5.00 per dozen.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 14, 1862.

JOINT RESOLUTION,

Instructing our senators and requesting our representatives to use their best efforts to secure a speedy passage of a bill, by the congress of the United States, providing for the issuing of demand treasury notes, and making the same a legal tender.

Resolved by the General Assembly of the State of Ohio, That in the opinion of this General Assembly, the passage of a bill, by the congress of the United States, providing for the issuing of demand treasury notes, and making such notes a legal tender for all purposes, is important as a means of support to the government; and the representatives in congress from this state are hereby requested, and senators from this state hereby instructed, to use their best efforts to secure a speedy passage of such bill.

Resolved, That a copy of these resolutions be immediately telegraphed to our senators and representatives in congress, with a request that they lay the same before their respective bodies.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 15, 1862.

JOINT RESOLUTION,

Relative to a vote of thanks to general Burnside and commander Goldsborough, the officers and men under their respective commands, for their recent victories in eastern North Carolina.

Resolved by the General Assembly of the State of Ohio, That the thanks of all loyal people of the Union are due to general Ambrose E. Burnside and commander Goldsborough, and the brave officers and men under their respective commands, for their recent brilliant victories in eastern North Carolina over the rebel forces; and that this General Assembly, as the representatives of the people of Ohio, hereby proffer their heartfelt thanks and hearty congratulations on the beginning of what all patriots hope may be the speedy end of the "great rebellion."

the outer edge of the top of the bank aforesaid, westward five chains; from thence at right angles southward, two chains; thence parallel with the first line eastward, five chains; and from thence at right angles to the place of beginning, so as to contain one acre of land;" and whereas, afterwards, on the first day of November, A. D. 1849, the state of Ohio, by Samuel Forrer, as acting canal commissioner of the board of public works of said state, did give to the said Stout and Latty a lease of all the water which might at all times pass around the canal lock on said premises, for the purpose of propelling said saw mill; and, whereas, it was afterwards ascertained, that the water passing around said lock would be entirely inadequate to propel said mill, and that sufficient water could not be spared for that purpose without impairing the interest and utility of the canal at that place, and that said mill was not therefore erected, nor any use ever made of said water by said Stout and Latty, or any other person; and, whereas, said Stout afterwards assigned his interest in said lease and said land to the said Latty, and that said Latty still holds the same, and has always regularly paid the taxes upon said land; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of said state be and he is hereby authorized to re-convey said land to said Latty by a deed of quit-claim, upon the production of said quit-claim from said Stout to said Latty, and the surrender to the board of public works of the said lease, executed to said Stout and Latty by said Samuel Forrer, acting canal commissioner.

SEC. 2. This act to take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 21, 1861.

AN ACT

Relating to the indexing and transcribing of judicial records of Fairfield county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the clerks of the court of common pleas and district court of Fairfield county, shall, within two weeks after the close of each term of said courts, make out and complete, in books to be by him for that purpose provided, for each of said courts, general indexes, in every particular such as are required for the court of common pleas of Hamilton county, by the first section of an act entitled "an act to authorize the making of indexes to the judicial records in the county of Hamilton and in other counties in this state," passed March 14, 1836, and shall also make out and keep up in such books as the court of common pleas of each county may direct, like indexes to the execution dockets and final records of said courts.

SEC. 2. That whenever the court of common pleas, or the district court, of Fairfield county, may deem it necessary for the preservation of the records of such court, that any book in the office of its clerk should be transcribed into a new book, the said court may make an order directing such transcribing to be done by its clerk, and the transcripts so made shall be as valid and effectual, for all purposes, as the original record.

SEC. 3. That the court of common pleas of said county of Fairfield, is hereby authorized to procure such indexes to be made by its clerk, or such other person

as said court may appoint, to all judgments, decrees and orders, and execution dockets and final records, of all suits, actions and proceedings in the court of common pleas, supreme court and district court of such county, from the organization of such county, or from any later period, to the taking effect of this act.

Sec. 4. That for the services required by the first section of this act, the clerk shall receive, in addition to the compensation now provided for making up and completing general indexes, such sum as the court of common pleas of the county may think reasonable and just; and that for the services required under the second and third sections of this act, such sum or sums shall be paid to the person or persons performing such services, or any part thereof, as the court of common pleas of said county shall think just and reasonable; and all compensation for services under this act, to be fixed as aforesaid by the court, shall be paid out of the county treasury of said county, on the order of the court of common pleas thereof, and the said court may make an order for that purpose at each term thereof, for services theretofore rendered and not paid for.

Sec. 5. This act shall take effect from and after its passage.

RICHARD O. PARSONS,

Speaker of the House of Representatives.

ROBERT O. KIRK,

President of the Senate.

Passed March 1, 1861.

AN ACT

To authorize the trustees of the townships of Brown and Auglaize, in Paulding county, Ohio, to levy a tax in their respective townships for building a bridge across the Auglaize river in each of said townships, and to authorize the county commissioners of said county to build said bridges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Brown, in the county of Paulding, be and they are hereby authorized and empowered, (in addition to any tax which they may now be authorized to levy for township purposes,) to levy a tax of one thousand dollars for the purpose, and to be applied to aid in the construction of a bridge across the Auglaize river in said township, at such place therein as may be designated by the legal voters of said township, in conformity with the provisions of this act.

Sec. 2. That whenever said trustees shall deem it expedient to levy said tax, they shall give notice, by posting the same up in writing, in at least five of the most public places in said township, for at least twenty days before the first Monday in April then next following, notifying the citizens of said township that the levy of the tax in this act mentioned will be submitted to the vote of said citizens at the annual township election to be held therein on said first Monday of April, for their approval or rejection, and each elector in said township may have written or printed upon his ticket the words "for the tax," or "against the tax," and the judges of such township election, in counting out the votes, shall set down in separate columns in the poll-book the votes for the tax, and against the tax, and certify the same in the usual manner in which they certify the votes for the candidates voted for at elections, and the trustees of said township shall, if a majority of the votes cast at such election shall be cast in favor of said tax, on or before the first Monday in June next succeeding the taking of said vote, certify to the county auditor of said county that they have submitted said question as to the levy of said tax to said electors in pursuance of the provisions of this act, and that a majority of the votes

so cast at said election were cast in favor of levying said tax, and that said trustees do therefore direct the county auditor aforesaid to levy said sum of one thousand dollars, to be applied to aid in the construction of said bridge, and the county auditor aforesaid shall thereupon levy and assess said sum of money upon the same kind of property in said township that may be charged with county tax upon the duplicate of taxes of said county, and said tax, when so charged upon said duplicate, shall be collected in the same manner and within the same time as other taxes charged thereon shall be collected.

Sec. 3. All moneys paid into the treasury of said county by virtue of this act, shall be safely kept therein until the same shall be expended under the direction of the board of commissioners of said county in conformity with the provisions of this act.

Sec. 4. Whenever it shall appear upon settlement between the board of commissioners of said county and the treasurer thereof that seven hundred dollars of said tax has been collected, and is then in the treasury of said county, it shall be the duty of the county auditor of said county to give notice to the electors of said township to meet at the time mentioned in said notice at the usual place of holding elections in said township, and to determine by ballot whether said bridge shall be constructed across said river near "Blue Creek," or near the "Little Auglaize River;" which notice shall be published in a newspaper published in said county, (in case a newspaper shall then be published therein,) and posted up in five of the most public places in said township for at least thirty days previous to the day therein set for taking said ballot; and said election shall be proceeded with and conducted in the same manner as township elections are held and conducted for the election of township officers; and each elector voting at said election may have written or printed upon his ticket "Blue Creek," or "Little Auglaize," and the judges of said election shall set down in separate columns in the poll-books the votes for "Blue Creek," and "Little Auglaize," and certify the same as they certify the votes of candidates at township elections, and sign, seal up and transmit one of the poll-books of said election to the county auditor of said county within three days after said election; and the county auditor shall deliver said poll-book to the commissioners of said county at their next session thereafter, and said commissioners shall thereupon, in the presence of said county auditor, open said poll-book, and order a statement of the votes for "Blue Creek," and "Little Auglaize," as stated in said poll-book, to be entered by said county auditor in the journal of their proceedings.

Sec. 5. Said board of commissioners may thereupon (and not till then) proceed to erect a bridge at the place for which said electors may have cast the greatest number of votes, and said bridge shall not be erected at any other or different place, and said commissioners shall, in placing said bridge under contract, and in building the same, proceed in all matters in conformity with the general laws of this state prescribing their duties, and shall apply the tax collected under this act in constructing said bridge, and pay the residue of the cost of erecting said bridge out of the bridge funds which now are or hereafter may be in the county treasury of said county.

Sec. 6. The provisions of the first, second and third sections of this act shall apply to and be in full force in the township of Auglaize in said county, to enable the trustees of said township to levy a tax of fifteen hundred dollars for the construction and erection of a bridge across the Auglaize river where the county road crosses the same near "Carey's Ford," in said township; and whenever it shall appear upon the settlement between the commissioners of said county and the county treasurer hereof that one thousand dollars of said tax has been collected, and is then in the treasury of said county, said county commissioners may then proceed to erect said last mentioned bridge in accordance with the laws now in

force prescribing their duties, and they shall apply the tax collected as last aforesaid in discharge of the cost of constructing said bridge, and the residue of said cost shall be paid out of the bridge fund which now is or hereafter may be in the county treasury aforesaid: Provided, however, that the bridge, the erection of which shall be first contracted for by said county commissioners, shall be in that township in which it shall be found upon their first settlement with said county treasurer for moneys collected under this act, that the amount of money required has been first collected, and that the second bridge shall not be placed under contract until the bridge first placed under contract shall have been erected, accepted and paid for.

SEC. 7. This act shall take effect and be in force from and after the passage thereof.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 27, 1861.

AN ACT

Regulating the Commercial Hospital of Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the public infirmary in the city of Cincinnati, established by an act entitled "an act establishing a commercial hospital and lunatic asylum for the state of Ohio," passed January 22, 1821, shall hereafter be called and known by the name of the "Commercial Hospital of Cincinnati," and shall remain upon the present hospital lot, and shall be used for the reception and care of such sick persons as may by law be entitled to admission therein for treatment as patients.

SEC. 2. The government and control of said hospital shall be vested in a board of seven trustees, to be created as follows: The mayor of the city of Cincinnati and the director of the city infirmary of said city eldest in commission, shall, ex-officio, be members of said board; one trustee shall be appointed by the governor of the state; two by the judges of the superior court of Cincinnati; and two by the judges of the court of common pleas of Hamilton county. The term of office of said trustees so appointed shall be five years, except that those first appointed shall be classified by lot, so that their terms shall expire in one, two, three, four and five years respectively. All vacancies from any cause shall be filled for the unexpired terms, as originally provided. Said trustees shall receive no compensation.

SEC. 3. The trustees shall have the exclusive management of said hospital; they shall make rules and regulations for the conduct and government of the same; they shall appoint such officers and servants of said hospital, including all medical attendants resident therein, as they may deem necessary; and may remove them at pleasure, and shall fix their compensation.

SEC. 4. Said hospital shall be repaired, rebuilt, furnished, supplied and supported as is now or may be provided by law.

SEC. 5. It shall be the duty of the faculty of the Medical College of Ohio to visit and attend the patients in said hospital, and to render them proper medical and surgical advice and service without compensation therefor; in consideration of which said faculty shall have the privilege of introducing the pupils of said

college into said hospital, under such regulations as the trustees may prescribe, to witness the medical and surgical treatment of patients. The trustees may make such provision as to them may seem advisable for medical and surgical advice and service to said patients additional to or other than that rendered by said faculty; but no compensation shall be paid therefor, except to medical attendants resident in the hospital. The trustees may in their discretion and under such regulations as they may prescribe, admit medical students, not pupils of said college, to witness the medical and surgical treatment of patients in said hospital. The trustees shall have the power, whenever they may deem it for the welfare of said patients so to do, to dismiss the faculty of said college from attendance on said hospital. The trustees may affix to the introduction or admission into said hospital of the pupils of said college, or other medical students, such fee as they may deem proper; but the same shall be alike as to all, and shall be paid to the treasurer of the city of Cincinnati, for the use of said hospital.

SEC. 6. The trustees shall hold meetings according to such rule as they may adopt; they shall keep a record of their proceedings; and four members must concur in any act of the board. They shall annually, on or before the first day of March, make a report to the mayor of the city of Cincinnati of their management of the hospital, its condition and wants, with such information as to the patients therein, and the medical and surgical treatment of them, as said trustees may deem of public interest.

SEC. 7. The first sixteen sections of the act entitled "an act establishing a commercial hospital and lunatic asylum for the state of Ohio," passed January 22d, 1821; the act entitled "an act in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio," passed February 26, 1839; and the seventh section of the act entitled "an act to incorporate and establish the Medical College of Ohio, and for revising and repealing all laws and parts of laws heretofore enacted on that subject," passed December 31st, 1825, are hereby repealed: Provided, all rights, if any, possessed by the state of Ohio in said hospital property, shall remain unaffected hereby.

SEC. 8. This act shall take effect and be in force from and after the first day of May in the present year: Provided, however, that the appointments hereby authorized may be made at any time after the passage hereof, to take effect upon said day.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 11, 1861.

AN ACT

Further to provide for the government of the Longview Asylum, and amendatory and supplementary to an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the new asylum in the county of Hamilton shall be called "Longview Asylum," and shall be governed and conducted by the board of directors, superintendent, assistant physicians and matron heretofore appointed, and their successors in office, with such additional assistance [assistants] as are hereinafter authorized.*

Sec. 2. The directors of said asylum shall, before entering upon the duties of their office, take an oath or affirmation to support the constitution of the United States and the constitution and laws of the state of Ohio, and faithfully to discharge the duties required of them as such directors. They shall discharge such duties gratuitously, except that they shall have their necessary expenses paid during the time they are actually engaged therein; such payment to be made out of the county treasury on the allowance of the county commissioners, upon the warrant of the county auditor.

Sec. 3. At the expiration of the term of office of any member of said board of directors, or in case of a vacancy in said board by death, resignation or otherwise, the power having appointed the member whose term has expired, or whose place has become vacant, shall immediately proceed to fill his place by the appointment of another member, who shall be a citizen of the county of Hamilton, with the qualifications of an elector. He shall hold his office for the term of three years, and until his successor is appointed and qualified, or in case he was appointed to a vacancy, then for the unexpired term, and until his successor is appointed and qualified.

Sec. 4. The board of directors shall appoint a superintendent of the asylum whenever, by expiration of term, death, resignation or otherwise, the office of superintendent shall become vacant; and upon the nomination of the superintendent, shall appoint a steward and matron, and such assistant physicians, attendants, nurses, and such other persons as may be necessary; the directors shall fix the compensation, subject to the approval of the county commissioners, of the said resident officers and all the employees about the institution, and in connection with the superintendent, shall prescribe rules, regulations and by-laws for the government of said asylum.

Sec. 5. It shall be the duty of one or more of said directors to visit the asylum weekly, and all of them monthly, and shall monthly, with the superintendent, examine the accounts of the steward, and certify their approval or otherwise on the same page with his monthly balances.

Sec. 6. The directors shall make a record of their proceedings at all meetings, in a book to be kept for the purpose, and at their annual meeting shall make a report to the governor of the condition and wants of the asylum, which shall be accompanied by a full and accurate report of the superintendent, and a detailed account of all the moneys received and paid out by the steward, and at the same time they shall transmit a copy of their report and the accompanying documents to the commissioners of Hamilton county. The superintendent shall act as secretary of the board.

Sec. 7. The directors shall hold their annual meeting on the first Tuesday of November, in each year, at the asylum. Special meetings for the appointment of resident officers, or for the transaction of general business, may be held in any convenient place, upon the written request of the president or any two members of the board, which written request shall be made of each of the other directors three days before the time appointed for such meeting, and shall also contain a statement of the object for which the meeting is called.

Sec. 8. The said board of directors may, at pleasure, remove any of the resident officers of the institution, except the superintendent, and they may remove the superintendent also for gross neglect or refusal to discharge the duties devolving upon him, or for incompetency or misconduct rendering it improper for him to continue longer at the head of the institution, and may direct the discharge of a patient upon the recommendation of the superintendent.

Sec. 9. No director, or any officer of the institution, shall be either directly or indirectly interested in the purchase of any building material, or any article of furniture, provisions or other supply for the use of said asylum.

Sec. 10. No member of said board of directors shall be eligible to the office of superintendent of said asylum during the term for which he was appointed, nor within one year thereafter.

Sec. 11. The directors of the asylum and their successors in office shall have the power to receive and hold in trust, for the use and benefit of the asylum, any grant or devise of land, or any donation or bequest of money or personal property to be applied to the maintenance and support of insane persons, or to the general use of the asylum.

Sec. 12. The superintendent of said asylum shall be a physician of acknowledged skill and ability in his profession. He shall be the chief executive officer of the institution, and shall reside therein, and shall hold his office for the term of six years, unless sooner removed by the board of directors, as provided for in the eighth section of this act. Before entering upon the duties of his office, he shall take an oath or affirmation faithfully and diligently to discharge the duties required of him by law. He shall have the entire control of the medical, moral and dietetic treatment of the patients, and shall see that the other resident officers of the institution faithfully and diligently discharge their respective duties.

Sec. 13. The assistant physicians shall be medical men of such character and qualifications as to be able to perform the medical duties of the superintendent.

Sec. 14. The steward, under the direction of the superintendent, shall keep the accounts, pay those employed in and about the asylum, and have a personal superintendence of the farm, garden and grounds, and perform such other duties as may be assigned him.

Sec. 15. The steward shall execute a bond, with two sufficient sureties, to be approved by the directors, in the penal sum of five thousand dollars, conditioned that he will faithfully perform the duties of his office, and pay over and account for all money that shall come into his hands as such steward.

Sec. 16. The matron, under the direction of the superintendent, shall have the general supervision of the domestic arrangements of the institution, and do what she can to promote the comfort and restoration of the patients.

Sec. 17. The county auditor shall, from time to time, upon the order of the directors issue a warrant upon the county treasurer for the payment of a sum not exceeding one thousand dollars, to meet current expenses. The steward shall keep an accurate account, in detail, in a proper book, always open to the inspection of the directors and superintendent, of all expenses and sums paid out of the money so advanced by the treasurer; and shall settle the same with the superintendent and directors, monthly, or oftener, if required, and upon such settlement shall account for all money received by him, a copy of which shall be filed with said auditor before another warrant is issued.

Sec. 18. The asylum shall be open to the admission of all insane persons over the age of fifteen years, having a legal settlement in the county of Hamilton: Provided, that no person shall be entitled to admission except persons whose insanity has occurred after such persons have acquired a legal settlement.

Sec. 19. All inmates of said asylum shall be maintained therein at the expense of the county, but it shall be the duty of the superintendent to enter in a book kept for that purpose, the names of all the patients whose friends desire to contribute to all, or any part of his or her expenses, and on the first Mondays of each month shall make out a bill against such patient, for the amount due the asylum to date, and transmit the same to the auditor, who shall carefully preserve the same until after it shall have been paid or recovered.

Sec. 20. For the admission of inmates into said asylum, the following proceedings shall be had, viz: Some resident citizen of Hamilton county shall file with the probate judge of said county an affidavit substantially as follows:

The state of Ohio, Hamilton county, ss :

The undersigned, a citizen of Hamilton county, Ohio, being sworn, says that he believes _____ to be insane and a fit subject for the lunatic asylum. He is a resident of Hamilton county, and has a legal settlement in _____ township. These facts are known by _____ and _____ (naming at least two persons.)

Sec. 21. When the affidavit aforesaid shall be filed, the probate judge shall forthwith issue his warrant to some suitable person, commanding him to bring the person alleged to be insane before him on a day in such warrant named, which shall not be more than five days after the affidavit shall have been filed, and shall immediately issue subpoenas to such witnesses as shall be named in the affidavit, and a physician to be designated by the superintendent of the asylum, commanding the persons in such subpoenas named to appear before said judge on the return day of the warrant, and if any person shall dispute the insanity of the party so charged, the said judge shall issue subpoenas for such persons as may be demanded on his or her behalf.

Sec. 22. At the time appointed (unless for good cause, the investigation shall be adjourned,) the judge shall proceed to examine the witnesses in attendance, and if upon the hearing of the testimony, such judge shall be satisfied that the person so charged is insane, and is included in the class enumerated in section eighteen of this act, he shall cause a certificate to be made out by said physician, setting forth the name, age and residence of the patient, with a concise history of the case, medical treatment pursued, supposed cause of the disease, and such other information as may be useful

Sec. 23. The probate judge, upon receiving the certificate aforesaid, shall forthwith transmit a copy thereof and his finding in the case, under his official seal, to some suitable person (giving the relatives of such insane person the preference) who shall immediately take charge of and convey such patient to the asylum, and return therefor, to the probate judge, a receipt of the superintendent, to be filed with the other papers in the case.

Sec. 24. When any patient, discharged from said asylum as cured, shall again become insane, and any respectable physician shall file with the probate judge of the county, an affidavit setting forth the fact of such recurrence of insanity, and such other facts in relation thereto as he may deem proper, the probate judge shall forthwith transmit a copy of such affidavit, authenticated by his official seal, to the superintendent of the asylum, who shall thereupon convey such patient to the asylum.

Sec. 25. Any inmate of said institution may at any time be discharged therefrom by the superintendent, with the consent of the directors. And whenever any insane person of said asylum shall become cured, it shall be the duty of the superintendent to discharge him or her forthwith; and the superintendent may furnish him or her suitable clothing and a sum of money not exceeding ten dollars, if deemed necessary. When pauper idiots, and harmless, incurable insane persons shall be discharged, the superintendent shall issue his warrant to some suitable person, which warrant shall be substantially as follows :

The state of Ohio, Hamilton county, ss :

The proper authority having directed the discharge of A. B., an inmate of Long-view asylum, you are hereby commanded to remove said inmate to infirmary.

Witness my hand and official seal this _____ day of _____ A. D.
A. B., Superintendent.

Upon the receipt of such warrant, it shall be the duty of the person to whom it is directed, to forthwith execute the same; and it shall be the duty of the superintendent of the city infirmary to receive such inmates as were admitted from the

city of Cincinnati, and the superintendent of the county infirmary such inmates as were admitted from the other townships of said county.

Sec. 26. In each case of inquests held under the provisions of this act, the probate judge shall file and carefully preserve all papers relative to the case, and shall make such entries as will, together with the papers filed as aforesaid, preserve a complete record thereof.

Sec. 27. If any inmate shall escape from the asylum, it shall be the duty of the superintendent to forthwith cause him or her to be arrested and returned; and if any inmate shall die, it shall be the duty of the superintendent to notify the relatives of such deceased person, if known to him.

Sec. 28. For all debts due said asylum, an action may be maintained in the name of the county of Hamilton, and in such action the plaintiff shall be styled "The county of Hamilton," and all moneys due said asylum shall, upon the warrant of the county auditor, be paid into the county treasury, for the use of said asylum.

Sec. 29. The prosecuting attorney of Hamilton county shall attend to all suits instituted in behalf of said asylum, and shall be entitled to five per cent. on all sums collected by him as compensation therefor.

Sec. 30. The superintendent of the asylum shall provide an official seal for such asylum, upon which shall be the words "Longview Asylum, State of Ohio," and the impression of such seal to a certificate, order or account to which the name of the superintendent is annexed, shall be prima facie evidence that such name is the hand-writing and proper signature of the superintendent.

Sec. 31. The taxable costs and expenses to be paid under the provisions of this act, shall be as follows:

To the probate judge for filing affidavit and holding inquest under the provisions of this act, the sum of two dollars;

To the person making out certificate as required by section twenty of this act, two dollars, and witness fees such as are allowed by law in other cases;

To witnesses, constables and sheriffs, the same fees as are allowed by law for like services in other cases.

Sec. 32. If the probate judge, or any other person charged with duties under this act, shall neglect or refuse to discharge any such duties, he shall forfeit a sum not exceeding fifty dollars, to be recovered for the use and benefit of the asylum in a civil action, conducted in the name of the county of Hamilton, as in case of a debt due the asylum, or may be removed from office in the same manner as for any other neglect of duty.

Sec. 33. The said asylum shall be supported and the salaries of its officers paid from a fund consisting of all such moneys as now or hereafter may come into the treasury of the county from whatever sources applicable to the support of insane persons in said county, and of such appropriations as shall be made by the state, for the support of the curable lunatics in said asylum, equal to the amount annually raised by taxation from the county of Hamilton, for the support of lunatic asylums in the state, to be paid in the same manner as appropriations for the state lunatic asylums are paid.

Sec. 34. To aid in the support of said institution, the county commissioners of Hamilton county are hereby authorized to levy a tax not exceeding one-half of one mill on the dollar upon the taxable property of Hamilton county.

Sec. 35. Nothing contained in this act shall invalidate any proceedings already commenced, or acts already done under laws heretofore existing, nor be so construed as to affect in any manner the term of office of any trustee, or other officer already appointed.

Sec. 36. Sections three and four of an act entitled "an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide

for the erection and government of an asylum therein," passed March 10, 1857, and the act amendatory thereto, passed April 5, 1859, are hereby repealed.

Sec. 37. This act to take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed February 27, 1861.

AN ACT

To authorize the commissioners of Monroe county to borrow money to supply the deficiency occasioned by the defalcation of the county treasurer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Monroe, for the purpose of raising money to supply the deficiency in the treasury of said county, are authorized to issue the bonds of the county, in sums of not less than one hundred dollars each, bearing any rate of interest not exceeding eight per centum per annum, payable semi-annually, the said bonds to be redeemable within ten years from the date thereof. The bonds shall be signed by the commissioners, and attested by the county auditor, and shall be negotiable, but shall not be disposed of at less than their par value: Provided, that the aggregate amount of said bonds shall not exceed ten thousand dollars.

Sec. 2. The county commissioners of said county are authorized to levy such taxes on all the taxable property of said county as will be required to pay the interest and principal of the bonds as the same shall become due.

Sec. 3. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem of the House of Representatives.

JAMES MONROE,

President pro tem of the Senate.

Passed March 8, 1861.

AN ACT

For the relief of Jonathan West.

WHEREAS, Jonathan West, of Darke county, Ohio, about the month of February, A. D. 1851, purchased the west half of the southwest quarter of section six (6), township thirteen (13), range two (2) east, lying in said county of Darke, canal land then belonging to the state of Ohio; and paid the receiver of the state canal land office, at Defiance, Ohio, in which district said land was situated, the sum of one hundred and twenty dollars, in full of the purchase money thereof, and received from said receiver a certificate of said purchase and payment, which was accidentally destroyed by fire, and for which said land no deed has ever been issued to said Jonathan West, or to any one as his assignee, the legal title thereof still remaining in the state of Ohio: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state of Ohio be, and is, hereby authorized to make, execute

and deliver to said Jonathan West, his heirs and assigns forever, on his making an oath or affirmation that he has approved the same according to the provisions of law, a good and sufficient deed in fee simple for said west half of the southwest quarter of section No. six (6), township No. thirteen (13), of range two east, Darke county, Ohio, containing eighty acres more or less, being part and parcel of the lands granted to the state of Ohio by the congress of the United States of America, to aid in the construction of the canals authorized by law.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 21, 1861.

AN ACT

To protect the rights of the state in the medical college of Ohio.

WHEREAS, by an act of the general assembly, passed March 21, 1851, entitled "an act to amend an act entitled an act to establish the medical college of Ohio, and for other purposes, passed December 31, 1825," the board of trustees of said college were authorized to mortgage the lands owned by the state, and held for the use of said college, and to apply the proceeds of such mortgage to the erection of a building on said land, in which should be taught regular scientific medicine, as contemplated by the various acts creating and endowing said medical college; and whereas the trustees, acting in obedience to said acts, did mortgage said lands and apply the proceeds to the erection and furnishing of the required building, which ever since has been, and is now used for the purposes aforesaid; and whereas the said mortgage debt will all become due and payable in the year 1861, and no provision has as yet been made for the payment thereof; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the medical college of Ohio be, and they are hereby authorized to fund the mortgage debt of said college, and the interest due and unpaid thereon, by the issue of new bonds, payable at such a period as may be fixed upon by the trustees, bearing an interest not greater than six per centum per year, payable half yearly, to be secured by a mortgage on the lands and buildings of said college: Provided, that all the net rents and revenues derived from said buildings, and all graduation fees shall be held and appropriated by said trustees from time to time as the same shall accrue, exclusively to the payment of said interest and to the extinguishment of the principal of said bonds.

SEC. 2. The state of Ohio shall in no event be held liable for, or required to pay any money in consequence of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 22, 1861.

AN ACT

To authorize the trustees of Wesley Chapel, the trustees of Morris Chapel, and the trustees of Trinity M. E. Church, in the city of Cincinnati, to dispose of certain property belonging to them.

WHEREAS, the trustees of Wesley Chapel, the trustees of Morris Chapel, and the trustees of Trinity Methodist Episcopal Church, all of the city of Cincinnati, and possessed of a certain lot of land and burying ground in said city of Cincinnati, known as the Catharine Street Burying Ground, of which the fee is in said trustees of Wesley Chapel for the use and benefit of the several boards of trustees above named, which lot is bounded south by Catharine (now Court) street, west by an alley, north by Clark street, and east by the Baptist burying ground, so called; and whereas, by the ordinances of said city, said lot can no longer be used for interments, and a large proportion of the bodies of persons formerly interred there have been removed by their friends; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said trustees of Wesley Chapel, of Morris Chapel, and of Trinity Methodist Episcopal Church, all of the city of Cincinnati, be and they are hereby authorized and empowered to subdivide into building lots, and to sell, lease, or exchange for other real estate, the lot of land and burying ground in the preamble to this act described, and, in their discretion, to apply the proceeds of the lots sold, the rents of the lots leased, and the real estate received by exchange, to the use and benefit of the Wesleyan Female College of Cincinnati, and upon such condition that should said college ever cease to exist as an institution of the Methodist Episcopal Church, the whole of said invested property shall revert to said trustees, to be by them held according to the terms of the original trust.

SEC. 2. That before the said lot or any subdivision thereof shall be sold, leased or exchanged, the said trustees shall obtain from all persons who hold rights to burying lots therein, releases thereof, and shall give to all persons interested at least one month's notice of the intention to remove the dead from said lot, which notice shall be published during said period of one month in at least two daily papers published in said city, and at the expiration of said time the said trustees shall cause the bodies of all persons buried in said grounds and not removed by their friends, to be carefully and separately disinterred, and separately re-interred in a decent and proper manner in some cemetery in the neighborhood of said city, and all monuments or tomb-stones erected to their memory shall be removed and again set up over the remains in the new place of interment.

SEC. 3. This act shall take effect and be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 27, 1861.

AN ACT

Providing for the settlement of the claim of John W. Allen.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the payment of the claim of John W. Allen, there is hereby appropriated out of any money in the treasury belonging to the general revenue fund, the sum of twenty-five thousand dollars, to be paid to said Allen by the treasurer, on the war-

rants of the auditor, which shall be drawn on the demand of said Allen, in sums of not less than five thousand dollars each, and shall be payable to his order on the first day of December of the present year: Provided, that before receiving said warrants, said Allen shall deliver an instrument of writing executed by him under seal, and duly attested and acknowledged, releasing and acquitting the state of Ohio from all claim and demand by him, of every nature whatsoever, by virtue of a certain writing executed by said Allen and Seabury Ford, governor of Ohio, bearing date February 25, 1850, and from all claim and demand by reason of any services performed or moneys expended by him under [said writing or under] the resolution of the general assembly therein recited, passed February 15, 1850, and conveying to the state of Ohio all right, title, and interest, of him, the said Allen, to any lands, or the proceeds of any lands, obtained, or alleged to have been obtained, by said Allen for the state of Ohio, under any grants made by congress to the state, for canal or other purposes.

Seco. 2. This act shall be in force from and after its passage.

ED. A. PARBOTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 28, 1861.

AN ACT

To amend the charter of the Covington and Cincinnati bridge company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the capital stock of the Covington and Cincinnati bridge company be and the same is hereby increased to one million of dollars, divided into ten thousand shares of one hundred dollars each.

Seco. 2. That said company is authorized to receive subscriptions for the sum of five hundred thousand dollars, one-half its capital stock, in preferred stock, and to pledge the revenues of the company, for the payment of the dividends thereon as hereinafter provided: Provided, that it shall be lawful to prefer such stock to the extent of fifteen per cent. per annum, and not more.

Seco. 3. That when said company shall deem it expedient to issue preferred stock, they shall give notice thereof by advertisement in at least one newspaper of general circulation in each of the cities of Covington and Cincinnati: Provided, that for sixty days after the books for such preferred stock shall be opened, the preference in such subscription shall be given to those who may before that time have subscribed and paid for the non-preferred stock in said company: and, provided further, that if the full amount of said sum of five hundred thousand dollars shall not be subscribed for within said sixty days, as above provided for, then said subscription shall be open as to the remainder of said sum, to all who may desire to subscribe for such preferred stock.

Seco. 4. That the preferred stock so subscribed for shall receive out of the net earnings of the company a dividend, payable semi-annually, of fifteen per cent. per annum: Provided, that the net earnings of the company shall amount to a sum equal to fifteen per cent. per annum, on the amount of such preferred stock: and, provided further, that no dividend shall be declared on the non-preferred stock until the net earnings of the company shall pay said dividend on the preferred stock.

Seco. 5. That the preferred stock so subscribed for shall be payable at such

time and in such installments, not exceeding ten per cent., each thirty days, as shall be ordered by the directors of said company, and shall be subject to the provisions of the sixth section of the act to which this is an amendment, passed February 17, 1846.

Sec. 6. That when the amount of any subscription to such preferred stock shall be paid, such subscribers shall be entitled to receive a certificate for the number of shares they subscribed and paid for, setting forth that the holder is preferred, as provided in this act; and such stock shall be transferrable as other stock of the company.

Sec. 7. That the company shall not be allowed to receive subscriptions for, nor to issue preferred stock, as herein provided, until the stockholders of the company, who may before that time have subscribed and paid for non-preferred stock in said company, at a regular meeting, or a meeting called by order of the directors, shall authorize the same to be done; a majority of the stock so subscribed shall be necessary to give the authority to receive and issue such preferred stock.

Sec. 8. This act shall take effect from its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 3, 1861.

AN ACT

To extend the time of payment of section 16, in the townships of Erie and Clay, being school lands in Ottawa county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further period of six years from and after the day the respective installments have become or may fall due, be and the same is hereby given to Philip New-decker, and James Smith, and others, purchasers of section sixteen, townships of Erie and Clay, school lands, in Ottawa county, for the payment of the principal of the purchase money thereof: Provided, that the interest and taxes thereon be punctually paid according to law: and, provided further, that the auditor of said county of Ottawa may require additional security for the payment of the principal and interest, if in his opinion the public interest demand it.

Sec. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 4, 1861.

AN ACT

To extend the time for allowing the lessees of section 29, in Springfield township, Hamilton county, to surrender their leases and receive deeds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further time of two years be allowed the lessees of section 29, in Springfield

township, Hamilton county, to surrender their leases and receive deeds, as provided in an act entitled an act relating to section 29, in Springfield township, Hamilton county, passed April 12, 1858.

Sec. 2. This act to be in force on its passage.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 4, 1861.

AN ACT

To amend the third section of the "act to provide for the sale of section sixteen of Delhi township, in the county of Hamilton," passed March 14, 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act to provide for the sale of section sixteen, in Delhi township, in the county of Hamilton, passed March 14, 1837, be and the same is hereby so amended as to read as follows: Sec. 3. That said auditor shall then proceed to sell said land in such tracts or lots, on such credit and at such price (provided that it shall not be less than the appraised value thereof, made as aforesaid, nor for less than five dollars an acre) as said trustees may direct, and the money, when due, shall be paid over to the treasurer of state, as directed by the act aforesaid: Provided, that the interest on said moneys shall be paid annually over to the township treasurer of Delhi township, and applied by them to the support of common schools in said township, agreeably to the laws regulating common schools; and provided further, that in case any purchaser at the first sale, or his assignee, shall fail to make payment of the sum by him bid therefor, said land shall not be sold at any subsequent sale for less than shall be sufficient to pay all the purchase money due the state, and all expenses incident to such sale, together with any previous sale, and also all taxes and penalties due thereon; and if at any time previous to such sale such purchaser or assignee shall pay up all sums due as aforesaid, then the said sale shall be suspended.

Sec. 2. This act shall take effect from and after its passage.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 3, 1861.

AN ACT

To relieve the lessees, assignees and equitable holders of the unsold school lands belonging to town number three, range number eleven, in the Ohio company's purchase; and to authorize the lessees, assignees and equitable holders of said lands to surrender their leases and receive deeds.

WHEREAS, It is represented to this general assembly that certain lands heretofore granted by congress to original surveyed town number three, range number eleven, in the Ohio company's purchase in lieu of six-eighths of section number sixteen of

said township, in Meigs county, are so subdivided that a portion of said lands lie in each of three townships and two counties, to wit: in Chester and Bedford townships, in Meigs county; and in Carthage township, in Athens county; and,

WHEREAS, It is further represented that no uniform valuation can be had of said lands by reason of their location, and that great trouble and inconvenience thereof arises in the collecting and appropriating the rents and taxes arising from said lands; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessees, assignees, or equitable holders of the following school lands, to wit: the northwest quarter of section number twenty-six, township number three, range number thirteen; the east half of the southwest quarter of section eight, township number four, range number twelve, in Meigs county, Ohio; also, the west half of the northeast quarter, the east half of the northwest quarter, and the west half of the southeast quarter of section number eight, township number five, range number twelve, Athens county, Ohio, all in the Ohio company's purchase, be and they are hereby authorised and empowered, at any time within two years from the passage of this act, to surrender their leases, and become purchasers in fee of the tracts specified in the leases so surrendered, upon the terms herein specified.

SEC. 2. That on or before the first Monday in June, in the year of our Lord one thousand eight hundred and sixty-one, the county commissioners of Athens county shall appoint one disinterested freeholder of said county, and the county commissioners of Meigs county shall appoint two disinterested freeholders of said county, who shall proceed, within ten days thereafter, under oath, to make a just valuation of the lands described in section one of this act, and shall return the valuation in writing to the auditor of each of said counties.

SEC. 3. That it shall be the duty of the auditors of said counties, after the appointment of the appraisers specified in section two of this act, forthwith to give notice to said appraisers in writing of their appointment, and notify them to meet within the time specified in section two of this act, on the first tract of land mentioned in section one of this act, and then and there proceed to make said valuation; and in like manner they shall proceed to appraise the other tracts of land named in section one of this act: Provided, that in making such valuation, the said appraisers shall not take into consideration any improvements made on such lands.

SEC. 4. That the surrender of said leases shall be made to the state of Ohio, for the use of said original surveyed township three aforesaid, the surrender to be made in writing, under seal, to the auditor of the county wherein said lands are located, and said auditor is hereby required to enter in a book to be by him provided for that purpose, the date of the original lease, the date of the assignment or other evidence of title, the name of the original lessee, the name of the person surrendering the same, a full description of the tract surrendered, and the rate per acre at which said land was valued under the provisions of this act.

SEC. 5. That on the surrender of any such lease, such lessee, assignee, or equitable holder, shall receive from the auditor of the proper county a certificate of purchase for the tract embraced in the lease surrendered, by paying therefor the same price per acre as the same was valued at the appraisalment under the provisions of this act, in the manner following: one-twelfth of said purchase money shall be paid at the time of the surrender of said lease, and the residue shall be divided into eleven equal installments, one of which shall be paid annually, from and after the surrender, until the whole is paid, the deferred payments to bear interest at six per cent. per annum, payable annually: Provided, the person surrendering shall be permitted to pay the whole of the purchase money at any time before the same becomes due: and provided further, that no person shall be permitted to make such surrender until all rents due under said leases shall have been fully paid.

SEC. 6. That all payments made under the provisions of this act shall be made

to the treasurer of the county in which said land lies, and the person making the same shall receive from the treasurer a receipt for the money so paid, and shall forthwith deposit the same with the auditor of said county, and said auditor shall give him a certificate, specifying the date of the surrender, the name of the person surrendering the same, a description of the land embraced in the lease surrendered, the amount of purchase money, the number of installments, the amount paid, and when the several installments will become due.

Sec. 7. That when said lessee, or any person holding title under him, shall have paid in full for such tract of land, under the provisions of this act, the said county auditor shall give the person entitled thereto a final certificate, particularly describing the parcel of land so paid for, and the several sums that have been paid thereon; and upon the presentation of said certificate to the auditor of state, the said auditor of state shall make out a draft of a deed to the person or persons entitled thereto, which he shall deliver to the governor, which said deed shall be signed by the governor, sealed with the great seal of the state of Ohio, and countersigned and recorded by the secretary of state, and delivered to the person entitled thereto on demand.

Sec. 8. That if any person who shall have surrendered any such lease as here provided, or his assignee, shall fail for one year to make payment of any installment after the same becomes due, the said county auditor shall, after giving sixty days notice in a newspaper printed in said county, of the time and place and terms of sale, and which notice shall describe the premises to be sold, shall proceed to sell said tract, with all the improvements thereon, at public auction, at the door of the court house in said county, to the highest bidder for cash: Provided, the same shall not be sold for a less sum than remains unpaid of the purchase money and costs of sale; and after paying out of the proceeds of said sale the costs and purchase money unpaid, the said auditor shall pay over to the person or persons so failing to make payment, or their legal representatives, on demand, any surplus that may remain; and the purchaser at such sale shall be entitled to receive a deed from the governor, on the certificate of the auditor, the same as if he had been the holder of the lease, and complied with all the provisions of this act.

Sec. 9. That the treasurer of said county shall keep separate accounts of all moneys received under the provisions of this act, when, from whom, and on what account each item was received, and it shall be the duty of said treasurer to make out and transmit, on or before the first Monday in January, annually, a transcript of said account to the auditor of state, and the said county treasurer shall pay over annually to the treasurer of state, in February, all the money that shall come into his hands under the provisions of this act during the preceding year.

Sec. 10. That all moneys paid into the state treasury under the provisions of this act, shall be appropriated to the support of common schools in said original surveyed township number three, range number eleven, in Meigs county.

Sec. 11. That the compensation of the appraisers contemplated in this act shall be the same as is paid by law to appraisers of property taken on execution by a sheriff, except that each separate tract of land shall be charged as one appraisal: and provided, that the expenses of said appraisalment shall be paid by the lessees of said land before the return of such appraisalment.

Sec. 12. That this act shall be in force from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 4, 1861.

AN ACT

To authorize the sale of certain Western Reserve school lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state cause to be sold the following lands belonging to the Western Reserve school fund, situate in the county of Defiance, viz : three hundred and twenty acres of land described as follows : the north-east quarter and the north-west quarter of section twenty-three, in township number five, north of range number five east, in the county of Defiance.

SEC. 2. The auditor shall cause notice of the time and place of sale, which shall be at the court house, in the county of Defiance, for six consecutive weeks, in one or more newspapers printed in the county of Defiance, and two newspapers in the city of Columbus.

SEC. 3. The sale shall be at public auction, and shall be made to the highest bidder, and for not less than the appraised value, viz : three dollars per acre for the north-west quarter, and three dollars and twenty-five cents per acre for the north-east quarter, as appraised in 1850 by John Coddington, Darius Adams and Dean Clapp ; one-third of the purchase money to be paid on the day of sale, one-third in one year, and the remainder in two years, with interest ; and on payment of the purchase money, deeds of conveyance shall be made by the governor, as in other cases.

SEC. 4. The auditor of state shall cause to be paid from the proceeds of the sale, the necessary expenses of conducting the same ; and if said land shall sell for a sum exceeding the amount due the state at the date of the sale, from Edward H. Phelps, a former purchaser, after deducting the necessary expenses as aforesaid, the excess, not exceeding the amount which has been paid by said Phelps, and the net proceeds shall be paid into the state treasury to the credit of the Western Reserve school fund : Provided, that said lands shall not be advertised or offered for sale prior to the first day of July next ; and if the said Phelps shall, on or before that day, pay or cause to be paid to the auditor of the state of Ohio, one-third of the amount then due, together with all interest thereon, upon the sale heretofore made to him, and the remaining two-thirds, with the interest thereon, in two equal annual payments thereafter, and pay the interest annually, and shall surrender the certificates of purchase heretofore issued to him, the governor is hereby authorized to execute a deed to said Edward H. Phelps according to law. But if the said Edward H. Phelps shall fail to make any of the payments herein specified at the time herein limited, then, and in that case the auditor of state shall proceed immediately to advertise and sell said lands as provided in sections one, two and three of this act.

SEC. 5. This act to take effect from and after its passage.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT O. KIRK,

President of the Senate.

Passed April 5, 1861.

AN ACT

Relating to the powers and duties of the commissioners of Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the power of taxation, now given by law, the commissioners of Ham-

ilton county be and they are hereby authorized to levy, in the years 1861 and 1862, not to exceed one half mill on each dollar of the assessed value of the taxable property of said county, to further defray the county expenses.

Sec. 2. That the said commissioners are hereby authorized to pay out of the county treasury, a sum not exceeding thirteen thousand dollars, for the purpose of paying the debts of the Agricultural Society of Hamilton county : Provided, that no payment shall be made, until the title in fee to the real estate held by said society for fair grounds, shall be conveyed to said commissioners, and thereafter said real estate shall not be taken to satisfy judgments against said society.

Sec. 3. That the commissioners of said county shall pay to each of the judges of the court of common pleas of said county, hereafter elected or appointed, such sum of money in addition to the salary which now is or may be provided by law, to be paid from the state treasury, as shall make the annual compensation of said judges amount to the sum of thirty-five hundred dollars ; such additional sum to be paid in quarterly installments.

Sec. 4 The act entitled "an act to amend the act entitled an act to fix the salaries of judges in certain cases," passed February 18, 1859, is hereby repealed. This act shall take effect upon its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 4, 1861.

AN ACT

To establish the Corryville election precinct in Millcreek township, Hamilton county, and to repeal sections two and three of an act to amend the act to incorporate the town of Olifton, in Hamilton county, and establish the Olifton election precinct, passed March 23, 1851.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Millcreek, in the county of Hamilton, as is comprised within the following boundaries, to wit : The whole of section fourteen, and so much of section fifteen as lies east of the centre of the Cincinnati and Carthage turnpike road, and not situate in the town of Olifton, shall constitute one election precinct, to be known as the Corryville election precinct ; and that in all elections for state, county and township officers, for representatives in Congress, and for electors of president and vice-president of the United States, the election shall be held in such place in said precinct most convenient for the electors as the township trustees may select. The judges and clerks of election to be held in this precinct, shall be governed in the discharge of their duties by the laws now in force, or that may hereafter be enacted, regulating elections.

Sec. 2. That sections two and three of the above recited act be and the same are hereby repealed ; and that this act be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 6, 1861.

AN ACT

To provide for removing obstructions from and deepening the channel of the Cuyahoga river and its tributaries in Geauga county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the probate court of Geauga county, whenever in the opinion of said court the same is demanded by, or will be conducive to the public health, convenience or welfare, shall, upon application of the majority of the owners of any marshy or low lands which are injured by the overflow of waters bordering on the Cuyahoga river and its tributaries, appoint three or more commissioners, who shall be authorized to perform all the duties required of them in this act, upon being sworn to a faithful discharge of the same.

SEC. 2. Said commissioners shall have power to appoint such surveyors and engineers as they may see fit, and enter upon and survey said marshy and low lands, and ascertain and designate the most eligible route and manner of draining the same, and receive all donations made, and collect all moneys subscribed for the purpose of carrying out the provisions of this act; and if in such survey it be found practicable to drain said marshes, or any part thereof, said commissioners shall make a map of such lands as in their opinion can be drained, designating the owners thereof, with the number of acres respectively owned by each, and shall also appraise all damage, whether to lands, water privilege, or mills, or other machinery upon such water privileges which may be done to any person by draining said marshes or low lands in the most advantageous manner, and the probable expense of said draining, and shall apportion the amount of said drainage and expense of draining among the several proprietors of said marshy or low lands in proportion to the number of acres owned, and amount of benefit to be received by each, and shall return the said map to the said probate court, by which the same shall be placed on file, and kept for the inspection of any of the parties interested.

SEC. 3. That any person or persons claiming compensation for damages for locating such ditches, or destruction of water privileges, or otherwise, shall be deemed to have consented to the estimate made by such commissioners and returned as aforesaid, unless they shall, within ten days after filing said map and estimate, signify in writing to said court that he desires to appeal therefrom; but if such notice of appeal be given in one or more cases as aforesaid, and said appellants and commissioners cannot agree upon the damages to be paid, the probate judge shall docket such cases of appeal, styling such appellants as plaintiff, and such commissioners as defendants; and such proceedings shall thereupon be had to assess and determine the compensation of such appellant or appellants as are authorized and required by the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and the acts amendatory thereof and supplementary thereto, so far as the same may be applicable.

SEC. 4. So soon as the question of damages shall be settled as provided for in the preceding section, the commissioners shall exhibit a copy of said map and estimate of damage and expense to the owners of said lands, if residents of the state of Ohio, or legally able to contract; and if thereupon the owners of two-thirds of said marshy or low lands shall assent in writing to such apportionment and damage, the said commissioners may proceed to divide into sections in such manner and to such extent as they shall judge best, the work of removing obstructions from, or deepening the channel of said river and draining of such lands and let the same by contract to the lowest responsible bidder, who, in their opinion, will perform the labor in accordance with the contract, such letting to be upon such reasonable time of notice as they shall determine to give; and they shall have the power to go upon any adjoining lands for the purpose of cutting drains to accomplish the purpose provided for in this act.

Sec. 5. That said commissioners, or a majority of them, shall have power to employ such engineers, surveyors and assistants as may be necessary; may enter upon said lands, or any in the vicinity thereof, to survey the same, or for the accomplishment of any of the objects contemplated in this act; may proceed to cut all necessary drains, and to remove all obstructions to the free passage of the water from said marshes or low lands; they shall also assess the proportionate amount of the expense and damage to such of the proprietors of said marshy or low lands in proportion to the number of acres by them owned, and the benefit to be received, and return the same to the county auditor, who shall charge the same upon the duplicate to the person so assessed; and the treasurer shall collect the same as other taxes, retaining it in a special fund, and pay the same out to the persons entitled to receive the same, upon the order of the commissioners provided for in this act: Provided, that no such assessment shall be made in any one year greater than thirty-three and one-third per cent. of the amount in full of such expense and drainage as estimated by the board of commissioners; and provided further, that if any owner or owners shall bid off and perform the work upon any section or sections of said work, the certificate of the commissioners to their having performed such work shall be good in the payment of said assessment, and shall be received and credited by him as cash.

Sec. 6. The probate judge aforesaid shall keep a full record of all proceedings had under this act, shall allow such compensation to said commissioners as shall be right for the time actually by them employed in the discharge of their duties under this act, an account of which shall be rendered to him whenever required. He shall also fill all vacancies which may arise in said commission before the completion of said work, and shall receive for the discharge of his duties under this act the same fees as are by law allowed him for the discharge of similar duties in other cases.

Sec. 7. That if any person shall willfully fill up or obstruct such drains, or any part thereof, he or they shall be liable to double the amount of damages at the suit of any of the proprietors, and, on indictment in the court of common pleas, may be fined or imprisoned, or both, at the discretion of the court.

Sec. 8. If it shall be necessary to go from said county into an adjoining county for the purpose of removing any obstruction from said river, or deepening the channel of the same, the said commissioners are authorized to make all necessary arrangements therefor, and if unable to agree with the parties interested for all damages which may be caused by such removal of obstruction and deepening said channel, the said commissioners are authorized to appropriate to their use in the probate court of such adjoining county, such property as may be necessary for that purpose, in the manner provided in the act of April 30, 1852, mentioned in section 3 of this act.

Sec. 9. That when any petition shall be filed for the appointment of commissioners as provided for in this act, the probate court shall cause notice thereof to be given by publication in some newspaper of general circulation in said county in which said work is to be done, setting forth the time for hearing the same, and the said publication shall be made at least for the term of four weeks next preceding the day so set for the hearing; and the petition shall be heard on the day returnable, unless continued for good cause.

Sec. 10. This act shall take effect from and after its passage.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 6, 1861.

AN ACT

Supplementary to an act entitled "an act to authorize the commissioners of Henry county to build a bridge across the Maumee river," passed April 15th, 1857.

WHEREAS, By an act of the general assembly of the state of Ohio, passed April 15th. A.D. 1857, to authorize the commissioners of Henry county to build a bridge across the Maumee river, and the said commissioners having erected said bridge and now having a surplus of money raised by the tax levied under this act: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Henry county be and they are hereby authorized to transfer to the ordinary bridge or county fund of said county, as they may deem expedient, any surplus of money levied and collected by virtue of the provisions of "an act to authorize the commissioners of Henry county to build a bridge across the Maumee river," passed April 15, 1857, which may remain after paying for the erection of said bridge, and the insurance thereof against fire for such terms of years as said commissioners deem proper, anything in the act to which this is supplementary to the contrary notwithstanding.

SEC. 2. This act shall take effect on and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 6, 1861.

AN ACT

To authorize the trustees of Newberry township, in Miami county, to sue for certain moneys loaned by their predecessors to certain individuals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Newberry township, in Miami county, Ohio, are hereby authorized to ratify the act of their predecessors, whereby on the eighth day of August, 1858, they loaned to Charles Patty and James Campbell one thousand dollars belonging to said township, which had been collected for the purpose of paying interest on certain bonds issued by said township, to aid in the construction of the Columbus, Piqua and Indiana railway, and to collect the amount due on two notes given to secure the repayment of said loan by action at law or otherwise.

SEC. 2. This act to take effect and be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 8, 1861.

AN ACT

To authorize the commissioners of Montgomery county to build a bridge across the great Miami river at Dayton.

SECTION 1 *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the commissioners of Montgomery county to cause to be constructed a bridge across the great Miami river at some eligible point within the city

of Dayton, and south of the bridge of the Cincinnati, Hamilton and Dayton railroad company: Provided, the appropriation of money by said commissioners for said purpose shall not exceed the sum of sixteen thousand dollars.

Sec. 2. This act shall take effect from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 17, 1861.

AN ACT

To erect the township of Muskingum in Washington county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory now constituting parts of the townships of Marietta, Union and Fearing, in the county of Washington, and bounded as follows, to-wit: Beginning at a point on Muskingum river, where the same is intersected by the west line of a seventy-eight acre lot, numbered sixteen, in Bear creek allotment of donation lands, and running thence south on said line to the south-west corner of said lot, numbered sixteen, thence west to the north-west corner of eighty-five acre lot, numbered twenty-two, in Rainbow creek allotment of donation lands, thence south on the west line of said lot, numbered twenty-two, to the north line of Wiseman's bottom allotment of donation lands, thence east on said line to the Muskingum river, thence down said river on the west bank thereof to the point where the same is intersected by the west line of a one hundred and sixty acre lot, numbered four hundred, thence south on said line and its continuation to the south line of township numbered three, in range numbered eight, thence east on said line to the east bank of the Muskingum river, thence down said river to the south line of commons lot, numbered twenty-three, thence north-easterly along the corporation line of the city of Marietta to the south-west corner of commons lot, numbered seventeen, thence easterly along the south line of commons lot, numbered seventeen, to the south-west corner of commons lot, numbered twelve, thence easterly on the south line of commons lot, numbered twelve, to the south-west corner of commons lot, numbered fourteen, thence north on the line of the original survey to the south line of Fearing township, thence east on said line to the east line of three acre lot, numbered three hundred and two, thence north on the east line of a range of three acre lots to the north-east corner of three acre lot, numbered three hundred and eighty-nine, thence west to the east line of section numbered twenty-five, in township numbered three, of range numbered eight, thence north on section lines to the south line of Salem township, thence west on said township line to Bear creek, thence down Bear creek to the Muskingum river, thence up said river to a point due north of the place of beginning, thence south across the river to the place of beginning, be and the same is hereby erected into and constituted a new township, to be known and designated as Muskingum township, and that the eastern boundary of Union township, the western boundary of Fearing township, and the northern boundary of Marietta township, be so changed as to conform to the boundary lines of said Muskingum township.

Sec. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 18, 1861.

AN ACT

To provide for the protection of fisheries on the Sandusky and Portage rivers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each and every owner of a dam or dams in existence at the passage of this act on the Sandusky and Portage rivers, within the counties of Sandusky, Seneca, Wyandot and Crawford, be, and hereby is, required to attach, on or before the first day of November, one thousand eight hundred and sixty-one, to each and every dam so owned by him, a slope suitable for the passage of fish in said stream, over such dam, and that each and every person who shall, after the passage of this act, erect a dam or dams on said streams, within the counties aforesaid, shall be required to attach to such dam, at the time the same is erected, such a slope as is hereinbefore provided for; and such owners of dams as aforesaid shall at all times keep up and in good repair such slope or slopes as are herein required to be erected.

SEC. 2. That each slope provided for in the first section of this act shall be formed by extending the same four feet in length for every foot of the dam in height, and at least twenty feet in width.

SEC. 3. That any person or persons, failing to comply with the provisions of this act, shall be subject to a penalty of not more than two hundred dollars nor less than twenty dollars and costs of suit, to be recovered in a civil action in the name of the state of Ohio, upon the complaint of any resident inhabitant of either of the counties mentioned in this act, before any court of competent jurisdiction; and all sums so recovered shall be applied to the use of common schools within the county where the action may be brought.

SEC. 4. That if any owner of any dam shall suffer or permit any trap or other obstruction to remain in the slope or slopes before mentioned, to the hindrance of the free passage of fish, he shall be taken and deemed to have violated the provisions of this act.

SEC. 5. That it shall hereafter be the duty of the prosecuting attorney of the several counties hereinbefore mentioned, to prosecute, within his own county, any violations of this act, after having notice of such violation by the affidavit of a legal voter of the county in which such dam is situated; and if any prosecuting attorney shall neglect or refuse to discharge his duties under this act for a longer period than six months, after having received the required notice, he shall forfeit and pay for every such neglect or refusal not more than fifty nor less than twenty dollars, for the use of the common schools of said county, to be recovered by a civil action, in the name of the state of Ohio, before any justice of the peace having jurisdiction of the case.

SEC. 6. That the act entitled "an act to improve the fisheries on the Sandusky river, within the counties of Seneca and Sandusky," passed March 10, 1843, and the act amendatory thereto, passed March 10, 1845, be and the same are hereby repealed.

SEC. 7. This act to take effect from and after the first day of November next, 1861.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed April 24, 1861.

AN ACT

To encourage the destruction of black birds in the county of Ottawa.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the qualified voters of the county of Ottawa are hereby authorized to determine by vote, at the next annual election for state and county officers, whether a county fund shall be provided by taxation for the purpose of encouraging the killing of black birds in the county; those in favor of the tax shall have written or printed on their tickets, "bird tax," and those opposed to the tax, "no bird tax;" and the result of such vote shall be returned as other election returns are made; and shall be duly certified by the county clerk to the county auditor.

SEC. 2. In case a majority be in favor of the levy of such a tax, the county commissioners shall be and are hereby empowered to levy a tax for the aforesaid purpose annually, at their discretion, of not exceeding two mills on the dollar valuation, to be collected as other county levies.

SEC. 3. The county commissioners are further authorized in such case to offer a specific bounty to any person or persons for the killing of any particular number of black birds (number to be named) within the county, to be paid out of said fund on the usual order.

SEC. 4. Any person or persons claiming such bounty, shall produce to the county auditor the black birds so killed, within ten days after such killing. And the said auditor is authorized to administer to such person, or any one of the persons, claiming the bounty, the following oath or affirmation: "You do solemnly swear, (or affirm,) that the birds now produced to the auditor were actually killed by you in the county of Ottawa, within ten days last past;" which oath or affirmation shall be administered by the auditor and reduced to writing, and subscribed by the person claiming the bounty.

SEC. 5. The auditor shall cause all the said birds then to be destroyed, and file and preserve the oath or affirmation aforesaid, and then deliver to the person or persons an order upon the treasurer of the county for the amount of the bounty, specifying on what account it is drawn, which shall be paid by the treasurer out of the said fund, and the orders shall be preserved by the treasurer as other orders are directed to be preserved, and it shall be the duty of the auditor to keep an account of all such orders as account of other orders are or may be required to be kept.

SEC. 6. The county commissioners may continue to levy such tax from year to year, or to suspend the same, at their discretion.

P. HITCHCOCK,

Speaker of the House of Representatives.

ROBERT O. KIRK,

President of the Senate.

Passed April 29, 1861.

AN ACT

To authorize the commissioners of Clermont and Hamilton counties to purchase a bridge therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of commissioners of Clermont county and the board of commissioners of Hamilton county are hereby authorized to purchase from the Cincinnati, Columbus

and Wooster turnpike company the bridge across the Little Miami river, known as the Milford bridge, and to pay for the same in the following proportions, to wit The board of commissioners of Clermont county three-fifths, and the board of commissioners of Hamilton county two-fifths of the purchase money, the state hereby assenting to said sales.

Sec. 2. That from and after the said purchase, the said bridge shall be a free bridge, and shall be kept in repair, and in case of destruction, rebuilt at the expense of said counties in the foregoing proportions.

Sec. 3. This act shall take effect on its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 30, 1861.

AN ACT

To authorize the county commissioners of Greene county to appropriate money to clothe and subsist the volunteers of said county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Greene county be and they are hereby authorized to appropriate from any surplus funds now in the county treasury, or to sell and appropriate the proceeds of any stocks now owned by said county, any sum or sums necessary to meet any expenditure heretofore made in clothing and subsisting those who have volunteered, or in clothing and subsisting those who may hereafter volunteer in said county, on the call of the governor of this state, or the president of the United States, until they leave said county and are mustered into the service of the state or general government; and to provide for the families of such volunteers during their services as such volunteers.

Sec. 2. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed May 9, 1861.

AN ACT

For the further protection of geese and ducks in the counties of Erie, Sandusky, Lucas and Ottawa.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person, at any time between the first day of February and the first day of September, within the respective counties of Erie, Sandusky, Lucas and Ottawa, to catch, kill, or destroy, or to pursue with such intent, or to expose to sale, or have in his possession, any wild goose, wild duck, teal or other wild duck, so caught or killed.

Sec. 2. Any person offending against the provisions of this act shall, on conviction, be fined in any sum not less than two dollars nor more than twenty dollars

for each offense, with costs of prosecution, or be imprisoned in the county jail not more than twenty days, or both, at the discretion of the court.

Sec. 3. All prosecutions under this act shall be in the name of the state of Ohio, before any justice of the peace or other officer or court having jurisdiction; and all fines imposed or collected in such cases shall be paid into the county treasury for the benefit of common schools.

Sec. 4. This act shall take effect and be in force from and after its passage.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 11, 1861.

RESOLUTIONS.

JOINT RESOLUTION, Relative to National Affairs.

Resolved by the General Assembly of the State of Ohio, as follows :

I. That the people of Ohio, believing that the preservation of the unity of government that constitutes the American people one people is essential to the support of their tranquillity at home, of their peace abroad, of their safety, of their prosperity and of that very liberty which they so highly prize, are firmly and ardently attached to the national constitution and the union of the states.

II. That the general government cannot permit the secession of any state without violating the obligations by which it is bound under the compact to the other states and to every citizen of the United States.

III. That whilst the constitutional rights of every state in the Union should be preserved inviolate, the powers and authority of the national government must be maintained, and the laws of congress faithfully enforced, in every state and territory until repealed by congress, or adjudged to be unconstitutional by the proper judicial tribunal ; and that all attempts by state authorities to nullify the constitution of the United States, or the laws of the federal government, or to resist the execution thereof, are revolutionary in their character, and tend to the disruption of the best and wisest system of government in the world.

IV. That the people of Ohio are inflexibly opposed to intermeddling with the internal affairs and domestic relations of the other states of the Union, in the same manner and to the same extent as they are opposed to any interference by the people of other states with their domestic concerns.

V. That it is the will and purpose of the people of Ohio to fulfill in good faith all their obligations under the constitution of the United States, according to the spirit and intent thereof ; and they demand the faithful discharge of the same duty by every state in the Union ; and thus, as far as may be, to insure tranquillity between the state of Ohio and the other states.

VI. That it is incumbent upon any states having enactments on their statute books conflicting with, or rendering less efficient the constitution or laws of the United States, to repeal them ; and it is equally incumbent upon the general government, and the several states, to secure to every citizen of the Union his rights in every state, under that provision of the constitution which guarantees to the citizens of each state all the privileges and immunities of the citizens of the several states ; and thus inspire and restore confidence and a spirit of fraternal feeling between the different states of the Union.

VII. That the Union-loving citizens of those states who have labored, and still labor with devotional courage and patriotism to withhold their states from the vortex of secession, are entitled to the gratitude and admiration of the whole American people.

VIII. That we hail with joy the recent firm, dignified and patriotic special message of the president of the United States, and that the entire power and resources of Ohio are hereby pledged whenever necessary and demanded for the maintenance under strict subordination to the civil authority of the constitution and laws of the general government by whomsoever administered.

IX. That the governor be requested to forward, forthwith, copies of the foregoing resolutions to the president of the nation, and the governors of all the states of the Union, and to each of the senators and representatives in congress from this state, to be by them presented to each branch of the national legislature.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed January 12, 1861.

JOINT RESOLUTION,

Relative to sale of turnpike stocks owned by the state.

Resolved by the General Assembly of the State of Ohio, That the sinking fund commissioners be and they are hereby requested to communicate to the general assembly of this State, at their earliest convenience, whether the act of January 12, 1859, providing for the sale of the stocks owned by the state in turnpikes, has been complied with; and, if not, what were the reasons; and also such other information as they may deem pertinent.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed January 21, 1861.

JOINT RESOLUTION,

Relative to printing reports in the German language.

Resolved by the General Assembly of the State of Ohio, That, for the use of the members of the general assembly for distribution, there be printed in the German language fifteen hundred copies each of the governor's message and auditor's report, and one thousand copies each of the report of the treasurer of state, of the report of the trustees and officers of each of the benevolent institutions, the report of the directors and warden of the Ohio penitentiary, the report of the reform school, and the report of the board of public works, for the year 1860.

ROBERT C. KIRK,

President of the Senate.

RICHARD C. PARSONS,

Speaker of the House of Representatives.

Passed January 21, 1861.

JOINT RESOLUTION.

The following joint resolution was unanimously adopted :

Resolved by the General Assembly of the State of Ohio, That the governor is hereby authorized and requested to tender an invitation to Abraham Lincoln, president elect of the United States, to visit the capital of this State on his way to Washington to enter upon the duties of his office.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 18, 1861.

JOINT RESOLUTION,

Relative to authorizing the auditor of state to pay the quarter-master-general for services as armorer.

Resolved by the General Assembly of the State of Ohio, That the auditor of state be and he is hereby authorized and directed to grant an order for payment to the quarter-master-general such sum and rate per diem as was appropriated for payment of armorer in an act entitled "an act making appropriations for the year 1860, and for the first quarter of the year 1861," passed March 24, 1860.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 10, 1861.

JOINT RESOLUTION,

Relative to procuring American flags for the capitol.

Resolved by the General Assembly of the State of Ohio, That the superintendent of the state house is hereby directed to have two flag-staffs of sufficient height erected on the capitol, one to be placed over the senate chamber, the other over the hall of representatives, and to have suspended from each, an American flag of suitable size, to be raised when the houses are in session and lowered during recess and adjournment; also to be raised on all public days.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 17, 1861.

JOINT RESOLUTION,

Relative to the appointment of commissioners to the convention to meet in Washington City, on the 4th proximo.

WHEREAS, the commonwealth of Virginia has appointed five commissioners to meet in the city of Washington on the 4th of February next, with similar commis-

sioners from other states, and after a full and free conference to agree, if practicable, upon some adjustment of the unhappy difficulties now dividing our country, which may be alike satisfactory and honorable to the states concerned; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the governor, by and with the advice and consent of the Senate, be and he is hereby authorized and empowered to appoint five commissioners to represent the state of Ohio in said conference.

Resolved, That while we are not prepared to assent to the terms of settlement proposed by Virginia, and are fully satisfied that the constitution of the United States, as it is, if fairly interpreted and obeyed by all sections of our country, contains ample provisions within itself for the correction of all evils complained of, yet a disposition to reciprocate the patriotic spirit of a sister state, and a sincere desire to have harmoniously adjusted all differences between us, induces us to favor the appointment of the commission as requested.

Resolved, That the governor be requested to transmit without delay a copy of these resolutions to each of the commissioners, to be appointed as aforesaid, to the end that they may repair to the city of Washington on the day hereinbefore named, to meet such commissioners as may be appointed by any of the states, in accordance with the aforesaid propositions of Virginia.

Resolved, That in the opinion of this general assembly, it will be wise and expedient to adjourn the proposed convention to a later day, and that the commissioners to be appointed as aforesaid are requested to use their influence in procuring an adjournment to the 4th day of April next.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 30, 1861.

JOINT RESOLUTION,

Relative to the appointment of additional commissioners to the Washington convention.

Resolved by the General Assembly of the State of Ohio, That the governor be requested to add to the number of commissioners provided in H. J. R. No. 92, so that seven, instead of five, shall be appointed.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 31, 1861.

JOINT RESOLUTION,

Relative to the appointment of a committee to wait on the President elect.

Resolved by the General Assembly of the State of Ohio, That a joint select committee of five on the part of the house, and three on the part of the senate, be appointed, whose duty it shall be to repair to Indianapolis, at the proper time, urge

the president elect to accept the invitation, tendered to him by the governor, to become the guest of this state, when passing through on his way from his residence to Washington City, and to act as a committee of escort from thence to the capital of Ohio.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed January 31, 1861.

JOINT RESOLUTION,

Relative to the Seneca County Bank.

Resolved by the General Assembly of the State of Ohio, That the receiver of the Seneca county bank is hereby directed to receive all outstanding notes of said bank and issue his certificate for the same, in the same manner as though the time for receiving said notes had not expired as per the first notice, and said receiver is also directed upon the final payment, or part payment of the certificates given for the notes of the Seneca county bank, to place the certificates given for said notes, by virtue of this resolution, upon the same footing as those originally given by him before his printed notice: Provided, that this resolution shall not authorize the said receiver to extend the time beyond the first day of August next, of which due notice shall be given in two or more newspapers of the city of Columbus.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 15, 1861.

JOINT RESOLUTION,

Relative to the sale of state arms by the late quarter master-general, S. W. Andrews.

Resolved by the General Assembly of the State of Ohio, That the attorney-general, auditor of state and comptroller of the treasury, be and they are hereby authorized to settle with S. W. Andrews, late quarter-master-general, the claim of the state for the sale of old arms, upon such terms as they may deem equitable and just, and to receive in payment thereof such sum of money, or property, real or personal, as may be agreed upon by them.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed February 21, 1861.

JOINT RESOLUTION,

Relative to appointing a committee to district the state.

Resolved by the General Assembly of the State of Ohio, That a committee of thirteen on the part of the House, and nine on the part of the Senate, be appointed, whose duty it shall be to report a bill for re-districting the state for congressional purposes.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed February 21, 1861.

JOINT RESOLUTION,

Relative to industrial schools.

WHEREAS, Many members of the General Assembly attended, with much interest, in the hall of the House of Representatives, on the evening of February 25th, an exhibition by a number of youth from the industrial school of the city of Cleveland, under the charge of Rev. Mr. Waterton; AND, WHEREAS, Hon. Harvey Rice and Hon. John A. Foote communicated much interesting information in regard to the economy and value of that enterprise; therefore

Resolved by the General Assembly of the State of Ohio, That while we do not regard such a school as a proper object for appropriations from the state treasury; yet we are strongly impressed with the utility of the industrial school system, as organized in the city of Cleveland; and we cordially recommend it to the favorable consideration of the cities and large towns of the state generally.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed February 27, 1861.

JOINT RESOLUTION,

Relative to procuring six hundred copies of a lithographed outline map of the state.

Resolved by the General Assembly of the State of Ohio, That the secretary of the state board of agriculture be authorized to procure, for the use of the joint committee on apportionment, and for the general assembly, six hundred copies of a lithographed outline map of the state of Ohio, containing within each county the population thereof, according to the late census; the general form and size of the map to be similar to a specimen now in his office.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed March 2, 1861.

JOINT RESOLUTION,

Relative to requesting congress to call a convention of the several states of the Union.

Resolved by the General Assembly of the State of Ohio, That this general assembly does hereby make application to congress to call a convention for proposing amendments to the constitution of the United States, pursuant to the fifth article thereof.

Resolved, That the governor of this state be requested to communicate the above resolution to the president of the United States, with the request that he lay the same before congress.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed March 20, 1861.

JOINT RESOLUTION,

Relative to preserving the census returns, and also specimens of the borings of the artesian well.

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized and directed to deposit the duplicate returns of the United States census marshals for Ohio, of the census recently completed, in the state library; and that the librarian of the state library be authorized and directed to have said returns bound in a manner to correspond with the returns of the census of 1850, now deposited in the library: also,

Resolved, That the clerk of the superintendent of the state house be authorized and directed to prepare for and deposit in the state library a complete assortment of the specimens of the artesian well borings, which it has been his duty to preserve.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed March 20, 1861.

JOINT RESOLUTION,

Relative to the joint convention to elect a U. S. senator for the balance of the unexpired term of S. P. Chase.

Resolved by the General Assembly of the State of Ohio, That the members of the senate and house of representatives meet in joint convention in the hall of the house of representatives this afternoon at three o'clock, then and there to elect, according to law, a senator of the United States senate for the state of Ohio, to fill the vacancy occasioned by the resignation of the Hon. Salmon P. Chase, to hold his office until the 4th day of March, A. D. 1867.

ED. A. PARROTT,
Speaker pro tem. of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed March 21, 1861.

JOINT RESOLUTION,

Relative to printing the report of the commissioner of statistics.

Resolved by the General Assembly of the State of Ohio, That nine thousand extra copies of the report of the commissioner of statistics be ordered to be printed for the use of the general assembly ; all the copies of said report to be bound in cloth. The said report shall be printed in both English and German, and the number to be printed in German shall be determined as follows : The members of the general assembly shall report to the clerks of the two houses the proportion in German which each desires in regard to his own copies, and the list so made out shall be deposited with the secretary of state, who shall have printed in German a proportion of the whole nine thousand equal to the average of the per centage so reported by the members ; and such copies, if not printed and delivered before the close of the session, shall be forwarded to such members in the proportions of English and German so named, being boxed up and directed in the same manner as the agricultural reports are commonly sent.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 22, 1861.

JOINT RESOLUTION,

Relative to the payment of the late John C. Wright, as peace commissioner.

Resolved by the General Assembly of the State of Ohio, That the auditor of state is hereby directed to allow to the assignee or representatives of the late Hon. John C. Wright the same number of days attendance as a member of the peace conference as is or has been allowed to the other members of the same.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 26, 1861.

JOINT RESOLUTION,

Relative to the settlement with S. W. Andrews, late Q. M. General.

Resolved by the General Assembly of this State, That the attorney general be and he is hereby authorized and directed to settle with S. W. Andrews, late quartermaster general, the claim of the state of Ohio against him for the sale of old arms and equipments in 1854, for the sum of five hundred dollars, payable in two equal yearly payments of two hundred and fifty dollars each, with interest, to be secured by two notes payable to the state of Ohio, with an indorsement satisfactory to the attorney general, which shall be a full and final settlement of said claim.

ED. A. PARROTT,

Speaker pro tem. of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

Passed March 25, 1861.

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for the secretary of state, one hundred copies ; and for the librarian, three hundred copies ; and the remainder thereof be distributed, as heretofore directed, to the members of the general assembly.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 10, 1861.

JOINT RESOLUTION,

Relative to a uniform currency, weights and measures.

WHEREAS, A reform, in regard to the inequalities and irregularities in the systems of weights, measures and currency of different nations, is demanded by the highest interests of education and commerce ; therefore,

Be it resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to use their influence to induce the federal government to correspond with foreign nations, and procure the appointment of an international commission, to establish an uniform decimal system of metrology, throughout the commercial world, and to offer a worthy premium to any citizen of the United States who shall devise the best decimal system of weights, measures and currencies.

Resolved, That the governor be requested to forward copies of these resolutions to each of our senators and representatives in Congress.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 19, 1861.

JOINT RESOLUTION,

Relative to claims against the State of Ohio.

Resolved by the General Assembly of the State of Ohio, That in all cases in which by law or resolution it is or shall be made the duty of the board of public works to investigate and pass upon claims against the state of Ohio, it shall be and is hereby made the duty of the attorney-general to act with said board of public works in the hearing and investigation of all claims that may be brought before them, and no such claim shall be allowed by said board, as a valid demand against the state of Ohio, unless the said attorney general shall first certify that, upon the testimony adduced upon the hearing and investigation thereof, the claimant has a legal or equitable right to recover.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 16, 1861.

JOINT RESOLUTION,

Relative to the claim of William Jamison.

Resolved by the General Assembly of the State of Ohio, That the auditor of state is authorized and directed to pay to William Jamison, for his services in examining title to, and in surveying and making sale of lands, sold for the state, in Union county, Ohio, August, 1859, the sum of one hundred dollars, to be taken out of the four hundred and seventy-nine dollars and thirty-one cents, now in the possession of the treasurer of state as a special deposit, and being part of the proceeds of the sales of land in said county made in 1859; and that the remaining three hundred and seventy-nine dollars and thirty-one cents of said special deposit, be certified into the state treasury, to the credit of the sinking fund.

Second. That the auditor of state is directed to ascertain for what sum said lands were sold in June and August, 1859, to whom sold, for what price, what sums have been paid, what sums are unpaid, and what is necessary to be done to obtain payment of the unpaid purchase money; and that if the same be necessary, that with the aid of the attorney-general of the State, that he cause the title to the land to be quieted, by proper proceedings in the proper court; and that all sums of money, less the expense, which shall be collected from said purchasers, be promptly paid into the state treasury, on the certificate of the comptroller, to the credit of the sinking fund, as other moneys are paid into the treasury.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 19, 1861.

JOINT RESOLUTION,

Relative to rescinding H. J. R. No. 129.

Resolved by the General Assembly of the State of Ohio, That House Joint Resolution No. 129, relative to the adjournment of this legislature, *sine die*, on the 23d inst., be and the same is hereby rescinded.

Resolved further, That it is inexpedient for the general assembly to adjourn on any working day, until it adjourns *sine die*.

P. HITCHCOCK,

Speaker pro tem. of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 23, 1861.

JOINT RESOLUTION,

Relative to information from the governor concerning victualing and clothing the troops.

Resolved by the General Assembly of the State of Ohio, That the governor of Ohio be and he is hereby requested to furnish the general assembly with copies of all

contracts made with various persons for the boarding, uniforming, &c., of the troops at Columbus, Cleveland and Cincinnati, being furnished by the state, and for the manufacturing of gun carriages, and all other information relative to said matters now in his possession.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed April 23, 1861.

JOINT RESOLUTION,

Relative to publishing the laws relating to the militia of the state.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be instructed to cause to be immediately published in the papers designated by law, the laws passed during this session relating to the militia of the state.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 R. C. KIRK,
President of the Senate.

Passed April 24, 1861.

JOINT RESOLUTION,

Relative to investigation of camp Jackson.

Resolved by the General Assembly of the State of Ohio, That a committee of five on the part of the House, and three on the part of the Senate, be appointed to investigate and report, at the earliest possible moment, the manner in which the volunteer soldiers at camp Jackson, near Columbus, Ohio, are furnished with food, and what further arrangements are necessary to provide for the proper care and provision of the volunteer soldiers now accepted by the governor.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
 ROBERT C. KIRK,
President of the Senate.

Passed April 24, 1861.

JOINT RESOLUTION

Relative to compiling and publishing the militia laws of Ohio.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized to cause to be compiled and published in pamphlet form, for distribution, five thousand copies of the militia laws of Ohio, including those passed during the present session. In compiling said laws, care

must be taken to print no laws not in force, and to insert all amendments of sections in the place of sections amended and repealed.

P. HITCHCOCK,
Speaker pro tem. of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 25, 1861.

JOINT RESOLUTION

Relative to the preserving of the official census returns of 1860.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized and required to have bound in plain, substantial style, the official returns of the federal census of 1860, now in his office, and deposit the same in his office for safe keeping, as required by the act of congress in such case made and provided.

Resolved, That the bound copy of the federal census of 1850 now on file in the state library, be transferred by the state librarian to the office of the secretary of state, and by said secretary filed and preserved in his office.

Resolved, That S. J. R. No 102, requiring the state librarian to have bound the census returns for 1860, be and the same is hereby rescinded.

Resolved, That said secretary of state shall pay the expenses so incurred from his contingent fund.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 27, 1861.

JOINT RESOLUTION

Relative to establishing military encampments in various parts of the state.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate, and five on the part of the house, be appointed to call on the governor and consult with him as to the policy of establishing military encampments in various parts of the state, where troops can be mustered into service, boarded, drilled, and kept in readiness for service on call.

P. HITCHCOCK,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

Passed April 30, 1861.

JOINT RESOLUTION

Relative to donations to the asylum for idiotic and imbecile youth.

Resolved by the General Assembly of the State of Ohio, That the board of trustees of the Ohio asylum for idiotic and imbecile youth are hereby authorized to receive and hold all donations which may be made by individuals for said institution; and they are also further authorized to receive propositions for donations of land for a site for said institution, and report upon the same at the next meeting of the general assembly: Provided, that the state shall be involved in no expense in the carrying out of this resolution.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 11, 1861.

JOINT RESOLUTION,

Relative to publishing military laws and state regulations.

Resolved by the General Assembly of the State of Ohio, That the adjutant-general is hereby authorized and directed to issue, as soon as practicable, a second edition of the Ohio State Regulations, of ten thousand copies, with all the military laws of this state in force added thereto, of which not more than one thousand copies shall be bound in muslin, and the balance in paper, for distribution to the militia, and the militia of the reserve of this state.

Resolved further, that senate joint resolution No. 118 be, and the same is hereby rescinded, and that the secretary of state is hereby authorized to publish, on a single sheet, five thousand copies of the militia laws passed at the present adjourned session of the general assembly.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 11, 1861.

JOINT RESOLUTION,

Relative to the claim of Samuel Doyle.

Resolved by the General Assembly of the State of Ohio, That the auditor of state is hereby authorized to draw his warrant on the treasury, in favor of Samuel Doyle, for the sum of twenty-seven hundred and sixty-one dollars and forty-four cents (\$2,761 44), being the balance due on three checks drawn Dec. 15, 1856, January 15, 1857, and February 15, 1857, each for the sum of one thousand

nine hundred and fifteen dollars, and payable to Samuel Doyle ; which money, when so received, shall be in full of all demands on the part of said Samuel Doyle and Samuel Doyle & Co. against the state of Ohio, of every kind and description, growing out of the contract between said Doyle & Co. and the state of Ohio, for repairs of section number two of the public works of the state up to February 15, 1857, the time for which said checks were given.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 11, 1861.

JOINT RESOLUTION,

For a sine die adjournment.

Resolved by the General Assembly of the State of Ohio, That the general assembly will adjourn sine die on Monday, the 13th day of May, 1861.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 10, 1861.

JOINT RESOLUTION,

Relative to work on the marble balusters.

Resolved by the General Assembly of the State of Ohio, That the superintendent of the state house be authorized to make settlement with the contractor for the marble hand-rail and balusters leading from the south and north wings of the state house to the rotunda, with full power to accept or reject said work, or compromise with said contractor by paying any sum less than the contract price, at his discretion.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861.

JOINT RESOLUTION,

Relative to amending the constitution of the United States.

WHEREAS, The general assembly has received official notification of the passage, by both houses of the thirty-sixth congress, second session, of the following proposition to amend the constitution of the United States, by a constitutional majority of two-thirds thereof; *Recital*: "Joint resolution to amend the constitution of the United States—That the following articles shall be proposed to the legislatures of the several states, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid, to all intents and purposes, as part of the said constitution, viz.: Article XIII. No amendment shall be made to the constitution which will authorize or give congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state:" and

WHEREAS, Three-fourths of the legislatures of the said states composing the United States are required to give assent to said proposed amendment of the constitution of the United States before it becomes a part thereof; therefore, be it

Resolved by the General Assembly of the State of Ohio, That we hereby ratify, in behalf of the State of Ohio, the above recited proposed amendment of the constitution of the United States.

Resolved, That a certified copy of the foregoing preamble and resolution be forwarded by the governor to the president of the United States, with the request that he lay the same before congress when it convenes.

P. HITCHCOCK,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed May 13, 1861.

JOINT RESOLUTION,

Relative to the duties of the chief clerks after adjournment.

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the Senate and House of Representatives shall each receive at the rate of four dollars per day for the time actually employed after the adjournment of the General Assembly, for making out indexes to the printed and recorded journals of the present session, for reading proof sheets of the same, and for such other necessary work as they are, by law and the duties of their offices, required to perform; to be paid out of any money appropriated to defray the expenses of the General Assembly, on the order of the auditor of state.

P. HITCHCOCK,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed May 13, 1861.

JOINT RESOLUTION,

Relative to thanksgiving day.

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby requested, in the course of the current year, to issue his proclamation designating a day of public thanksgiving and prayer to Almighty God for his blessings vouchsafed to the people of Ohio.

P. HITCHCOCK,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed May 13, 1861

OFFICE OF THE SECRETARY OF STATE,
COLUMBUS, OHIO, May 15, 1861.

I certify that the foregoing General, Local and Special Laws, and Joint Resolutions, are correctly copied from the Original Rolls on file in this office.

ADDISON P. RUSSELL,

Secretary of State.

TIMES OF HOLDING COURTS.

OFFICE OF THE SECRETARY OF STATE,
COLUMBUS, O., May 25, 1861. }

The following list of the times of holding the District Courts and Courts of Common Pleas in the State of Ohio, is correctly compiled from the returns made to this office, and from the laws passed by the General Assembly during the session of 1861.

ADDISON P. RUSSELL,
Secretary of State.

FIRST DISTRICT.

DISTRICT COURT.

Hamilton, April 15, October 7.

COURTS OF COMMON PLEAS.

Hamilton, January 7, June 3, November 4.

SECOND DISTRICT.

DISTRICT COURT.

Butler, April 22; Preble, May 2; Darke, May 6; Montgomery, May 9; Miami, May 13; Champaign, May 17; Clark, May 20; Greene, May 27; Warren, June 3; Clinton, June 7.

COURTS OF COMMON PLEAS.

Butler, February 11, May 20, September 30.
Darke, February 11, June 3, September 30.
Preble, March 11, July 22, October 28.
Champaign, February 11, June 17, October 14.
Montgomery, March 4, June 24, November 4.
Miami, April 8, August 26, December 2.
Clinton, February 11, June 17, September 30.
Clark, February 25, June 17, September 30.
Warren, March 25, July 15, November 4.
Greene, March 25, July 15, November 4.

THIRD DISTRICT.

DISTRICT COURT.

Union, August 22; Marion, August 23; Logan, August 26; Hardin, August 27; Fulton, August 29; Williams, August 30; Defiance, September 2; Paulding, September 3; Henry, September 4; Van Wert, September 6; Allen, September 7; Auglaize, September 9; Mercer, September 10; Shelby, September 12.

SIXTH DISTRICT.

DISTRICT COURT.

Licking, June 10; Coshocton, June 21; Holmes, June 24; Wayne, June 25; Ashland, July 1; Richland, July 2; Morrow, July 8; Delaware, July 15; Knox, July 22.

COURTS OF COMMON PLEAS.

Knox, February 11, May 13, September 16.
 Licking, March 11, August 12, November 25.
 Delaware, February 12, April 9, September 9.
 Coshocton, March 5, August 12, November 4.
 Wayne, March 5, September 9, November 25.
 Holmes, February 12, May 7, November 5.
 Ashland, February 12, April 23, October 15.
 Morrow, February 26, May 7, October 15.
 Richland, March 18, September 2, November 4.

SEVENTH DISTRICT.

DISTRICT COURT.

Washington, April 18; Meigs, April 22; Gallia, April 24; Lawrence, April 26; Pike, April 29; Scioto, April 30; Perry, September 4; Fairfield, September 6; Hocking, September 11; Athens, September 13; Vinton, September 16; Jackson, September 19.

COURTS OF COMMON PLEAS.

Perry, February 25, May 6, September 30.
 Hocking, March 11, May 20, October 14.
 Fairfield, March 25, June 3, October 28.
 Lawrence, February 11, May 13, September 23.
 Vinton, February 11, May 13, September 23.
 Jackson, February 25, May 27, October 14.
 Pike, March 11, June 10, October 28.
 Scioto, March 18, June 17, November 4.
 Washington, February 25, May 20, October 10.
 Athens, March 7, May 30, October 21.
 Meigs, March 18, June 10, October 31.
 Gallia, March 25, June 17, November 11.

EIGHTH DISTRICT.

DISTRICT COURT.

Tuscarawas, April 2; Muskingum, April 5; Morgan, April 15; Guernsey, April 17; Jefferson, April 22; Harrison, October 2; Belmont, October 9; Monroe, October 17; Noble, October 21.

COURTS OF COMMON PLEAS.

Muskingum, February 18, May 20, November 11.
 Morgan, March 19, July 16, October 29.
 Monroe, February 18, May 20, October 28.
 Belmont, March 5, June 4, November 12.
 Noble, March 5, June 4, November 12.
 Tuscarawas, February 26, May 21, October 29.
 Guernsey, March 11, June 10, November 18.
 Jefferson, February 5, May 21, October 29.
 Harrison, March 12, June 18, November 26.

APPORTIONMENT OF THE STATE OF OHIO
FOR
MEMBERS OF THE GENERAL ASSEMBLY
FOR THE SECOND DECENNIAL PERIOD.

In conformity to the provisions of the constitution of the state of Ohio, we, William Dennison, governor, Robert W. Tayler, auditor, and Addison P. Russell, secretary of state, have ascertained and determined the ratio of representation in the general assembly according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years within the next ensuing ten years, and do declare the same to be as follows :

The total population of the several counties of the state by the federal census of 1860, as certified by Jos. C. G. Kennedy, superintendent of the census bureau of the department of the interior of the United States, is two millions three hundred and thirty-nine thousand five hundred and ninety-nine. The ratio of representation for a representative is twenty-three thousand three hundred and ninety-six, and for a senator sixty-six thousand eight hundred and forty-five.

The apportionment for the house of representatives during the second decennial period under the constitution, shall be as follows :

The counties of Adams, Allen, Ashland, Athens, Auglaize, Carroll, Champaign, Clarke, Clinton, Coshocton, Crawford, Darke, Delaware, Erie, Fayette, Fulton, Gallia, Geauga, Greene, Guernsey, Hancock, Hardin, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Knox, Lake, Lawrence, Logan, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Monroe, Morgan, Morrow, Noble, Perry, Pickaway, Pike, Portage, Preble, Sandusky, Scioto, Shelby, Summit, Union, Vinton, Warren and Wyandot, shall, severally, be entitled to one representative in each session of the decennial period.

The counties of Franklin, Muskingum and Stark, shall each be entitled to two representatives in each session of the decennial period.

The counties of Ashtabula, Brown, Fairfield, Huron, Lorain, Miami, Richland, Seneca, Trumbull, Tuscarawas and Wayne, shall, severally, be entitled to one representative in each session, and one additional representative in the fifth session of the decennial period.

The counties of Belmont, Butler, Clermont, Columbiana, Licking, Ross and Washington, shall, severally, be entitled to one representative in each session,

and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The county of Montgomery shall be entitled to two representatives in each session, and one additional representative in the fifth session of the decennial period.

The county of Cuyahoga shall be entitled to three representatives in each session, and one additional representative in the fifth session of the decennial period.

The county of Hamilton shall be entitled to nine representatives in each session, and one additional representative in the fifth session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article of the constitution, shall form districts in manner following, to-wit: The counties of Defiance, Paulding and Williams, one district; the counties of Henry and Putnam, one district; the counties of Mercer and Van Wert, one district; and the counties of Ottawa and Wood, one district; each of which districts shall be entitled to one representative in every session of the decennial period; and the district composed of the counties of Defiance, Paulding and Williams, to two additional representatives, one in the third and one in the fourth session of the decennial period.

By the constitution, the state is divided into thirty-three senatorial districts, as follows: The county of Hamilton constitutes the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto and Jackson, the seventh; Lawrence, Gallia, Meigs and Vinton, the eighth; Athens, Hocking and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clarke, Champaign and Madison, the eleventh; Miami, Darke and Shelby, the twelfth; Logan, Union, Marion and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky and Ottawa, the thirtieth; Seneca, Crawford and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry and Putnam, the thirty-third.

For the second decennial period, each of said districts, except the first, eighth, seventeenth, twenty-eighth, thirtieth, thirty-second and thirty-third, shall be entitled to one senator.

The eighth and thirtieth districts shall each be entitled to one senator for the decennial period, and one additional senator in the fifth session of the decennial period.

The thirty-second and thirty-third districts shall each be entitled to one senator for the decennial period, and two additional senators, one in the third and one in the fourth session of the decennial period.

The first district shall be entitled to three senators for the decennial period, and one additional senator in the fifth session of the decennial period.

The seventeenth district, composed of the counties of Knox and Morrow, having less than three-fourths of a senatorial ratio of population, is, as required by the constitution, attached to the adjoining district having the least number of inhabitants, which is the twenty-eighth district, composed of the counties of Wayne and Holmes. The twenty-eighth district, with the seventeenth district so attached as aforesaid, shall be entitled to one senator for the decennial period, and two

additional senators, one in the third and one in the fourth session of the decennial period.

The fourteenth district, composed of the counties of Washington and Morgan, and part of the county of Noble, and the nineteenth district, composed of the counties of Guernsey and Monroe, and part of the county of Noble, remain as during the first decennial period, the constitution not admitting of any alteration of the territorial limits of said senatorial districts.

In testimony whereof, we have hereunto set our names, and caused the great seal of the state of Ohio to be affixed, at Columbus, the second day
[L. s.] of April, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States of America the eighty-fifth.

W. DENNISON,
R. W. TAYLER,
A. P. RUSSELL.

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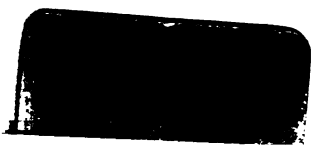


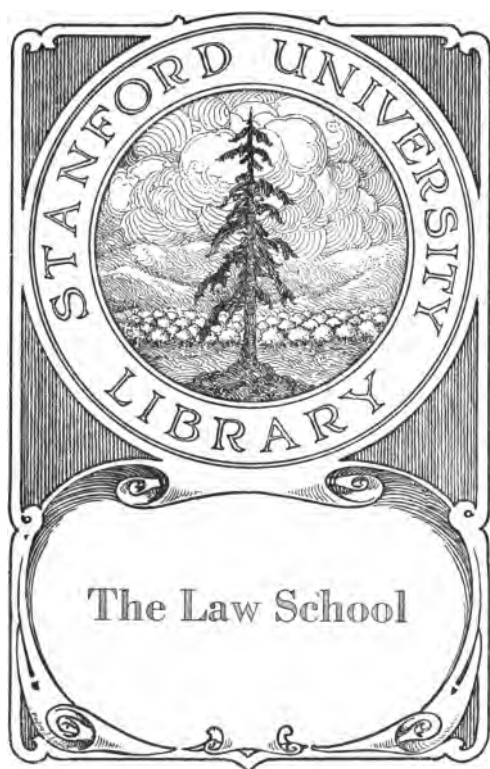


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ACTS OF A GENERAL NATURE
AND
LOCAL LAWS AND JOINT RESOLUTIONS

PASSED BY THE
FIFTY-FIFTH GENERAL ASSEMBLY,
OF THE
STATE OF OHIO,

AT ITS FIRST SESSION
BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 6, 1862,

AND
IN THE FIFTY-NINTH YEAR OF SAID STATE.

VOLUME LIX.

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1862

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ACTS OF A GENERAL NATURE.

AN ACT

To authorize the banks temporarily to suspend specie payments, and to receive and pay out United States demand notes.

Preamble.
WHEREAS, the existing embarrassed condition of the financial affairs of the country, consequent upon the rebellion ; the suspension of specie payments by banks located at the marts of commerce ; the large issues of demand notes, at present irredeemable in coin by the government of the United States, presenting a state of currency unprecedented and novel in the history of this country, the operation of which will withdraw from the banks of this state their basis of coin, destructive to the public interest, and probably occasioning a suspension and the forfeiture of the charter of some of the banks of this state, thereby producing irremediable injury to the public generally, and to the banking institutions of the state ; therefore,

SECTION 1. • *Be it enacted by the General Assembly of the State of Ohio*, That until fifteen days after the resumption of specie payments by the majority of the regular and legally authorized banks of issue in the city of New York (notice of which resumption shall be given by the proclamation of the governor of this state), or until this act shall be altered, amended or repealed by the general assembly, all the existing statutory provisions now in force in this state prescribing penalties, remedies, and proceedings to be had against banks of issue in this state, in consequence of their failure to pay and redeem their notes of circulation with coin, be and they are hereby suspended ; and until the notice given by the governor's proclamation, or until such alteration, amendment or repeal of this act as aforesaid, the suspension of said banks, or any of them, to redeem their notes of circulation with coin, shall not operate to divest the title and right of any such bank to any of its rights, credits, property, money, securities or effects, or to transfer the possession of the same out of said bank or banks, or work a forfeiture of its charter : Provided, that any bank in this state which shall fail, within thirty days from the passage of this act, to file with the auditor of state the written consent of such bank to accept of, and be taxed by and in accordance with the provisions of the act entitled "an act to amend an act entitled 'an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money,' passed April 5th, 1859,"—which said act was passed April 4th, 1861—shall, from and after

Proclamation to be made by the governor.

Statutory provisions suspended.

Suspension shall not have what effect.

Provided banks failing to file with auditor of state written consent, accepting a certain law for taxing banks.

Shall forfeit all privileges of this act, &c.

Lawful to receive and pay out what bank notes.

Same.

When and what exchange banks to furnish the treasurer of state.

What notes state and county treasurers shall receive and pay out.

Banks, &c., may put in circulation certain notes.

Proviso.

the expiration of said thirty days, forfeit all privileges intended to be conveyed by this act, and be subject from that time to all the penalties provided for in the act or acts under which such bank was organized.

SEC. 2. Until otherwise provided by law, it shall be lawful for any of the banks of this state to receive and pay out the notes of circulation of any of the solvent banks of this state, although in a state of suspension as aforesaid.

SEC. 3 That it shall be the duty of said banks to receive and pay out as money, the demand notes of the United States.

SEC. 4. Any solvent banking institution of this state, availing itself of the provisions of this suspending act, shall, during its continuance in suspension under this act, if required by the treasurer of state, furnish him with sight exchange, payable in New York, in coin, for its own notes, in the proportion that the circulation of such bank bears to the circulation of all the solvent banks of this state, at a rate not exceeding one-half of one per cent. premium, to the extent required to pay the semi-annual interest on the present foreign debt of the state, and so much of the principal as is now or may be provided for by law.

SEC. 5. The demand notes of the United States, and the notes of the solvent banks of this state, shall be received by the several county treasurers and treasurer of this state, and the same be disbursed by such treasurers, and the treasurer of state, on all legal demands upon the same.

SEC. 6. That, until otherwise provided by law, it shall be lawful for any bank, banker, broker, exchange broker, or other money dealer, or incorporated company, to put in circulation the notes of issue of the solvent banks of this state, although the said banks may not be redeeming their notes in gold and silver coin, under the suspending power of this act: Provided, that no bank shall have the benefit of this act after neglecting or refusing to furnish its proportion of exchange required by the state, as provided for by this act, or after it shall refuse to take the demand notes of the United States; and after the neglect or refusal as aforesaid, all such bank or banks so neglecting or refusing, shall be subject to all the penalties to which they were liable previous to the passage of this act.

SEC. 7. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

January 16, 1862.

AN ACT

Making partial appropriations for the year 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and are hereby appropriated out of any money in the treasury for general revenue purposes, for the year 1862, to wit: For the payment of the per diem of the lieutenant-governor as president of the senate, and of the members of the gen-

Appropriation

eral assembly, and mileage, their clerks, assistant clerks, sergeants-at-arms, assistant sergeants-at-arms, and messengers, fifty thousand dollars. For the payment of Joseph Warwick, for opening the hall of the house at the commencement of this session, twenty-five dollars.

Members and officers of the general assembly.

Joseph Warwick.

Sec. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 28, 1862.

AN ACT

To facilitate the settlement of accounts between the United States and the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor of said state is hereby authorized to settle and adjust with the secretary of the treasury of the United States, the accounts and claims of this state against the United States for the costs, charges and expenses now or hereafter to be incurred by this state for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops, employed in aiding to suppress the present insurrection against the United States, in accordance with the provisions of the act of congress entitled "an act to indemnify the states for expenses incurred in defense of the United States," approved July 27th, 1861; and all moneys received by the governor, or any person by him appointed under authority of this act, and the act of congress aforesaid, shall be forthwith paid into the state treasury.

The governor authorized to settle, &c., with the secretary of the treasury of the U. S., what claims and accounts.

Moneys to be paid into state treasury.

Sec. 2. That the auditor of state, quartermaster-general, commissary-general, or other person, having in possession original vouchers of the aforesaid expenditures, or any part thereof, shall, upon request of the governor, deliver the same to the governor, or to such person as the governor shall appoint to receive the same and make settlement of the aforesaid amounts, or any part thereof.

Vouchers.

Sec. 3. That before delivering any such original voucher, the person holding the same shall cause a true copy thereof to be made and certified, which shall be retained in his office, and shall thereafter have all the credit, force and effect of the original; and the governor or agent receiving the same shall, if required, certify such receipt on the copy.

Same.

Sec. 4. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 29, 1862.

AN ACT

Sw. & Cr. 454. To repeal section three of an act passed April 12, 1858, entitled "an act to amend the act entitled 'an act for the prevention of certain immoral practices,'" passed February 17, 1831; said last act being passed March 26, 1841.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act passed April 12, 1858, entitled "an act to amend the act entitled 'an act for the prevention of certain immoral practices,'" passed February 17th, 1831; said last act being passed March 26, 1841, be and the same is hereby repealed.

Sec. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 31, 1862.

AN ACT

To stay the forfeiture of recognizance in certain cases.

When court to extend the recognizance of an officer or soldier, and to continue criminal causes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it shall be made to appear to any court in this state, that a person charged with any crime or offense, who has entered into a recognizance to appear before such court and answer thereto, has enlisted in the service of the state of Ohio, or of the United States, as an officer or soldier in the war now pending, and is actually engaged in such service, it shall be the duty of said court, on the application of the bail or sureties in any such recognizance made, in person, in open court, to continue said criminal cause, and extend said recognizance, from term to term, during the existence of the present war, or until the person so charged with crime as aforesaid, has been legally discharged from his enlistment and service in the army of the state of Ohio, or of the United States, as aforesaid; and said continuance and extension shall not, in any manner, discharge or release the bail or sureties of the person so charged with such crime or offense, as aforesaid, from any liability on their said recognizance.

Bail not thereby discharged

Sec. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed February 5, 1862.

AN ACT

Sw. & Cr. 83. To amend section one of the "act privileging certain persons from arrest and imprisonment," passed February 24th, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section be so amended as to read as follows: Sec.

1. That the members of the Senate and House of Representatives, and the clerks, sergeant-at-arms, door-keepers and messengers, of either branch of the general assembly, shall be privileged from answering to any suit which may be instituted against any of said persons in any county in this state other than the county in which said persons have their residence, on any cause of action which accrued ten days prior to the first day of any session of the general assembly to which either of said persons may have been elected; and said persons shall also be privileged from arrest during the sitting of the legislature, and also during the time necessarily employed in traveling to and returning from the place of their meeting, allowing one day for every twenty-five miles of the distance, by the road most usually traveled: Provided, that every such person may be sued in, and served with summons issued from the county in which he resided last previous to the commencement of his said privilege.

Members and officers of the general assembly privileged from answering to what suits.

Also from arrest.

Proviso.

Sec. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed February 7, 1862.

AN ACT

To enable persons in the military service of this state, or in the United States, to transmit their pay to their families or friends.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any person or persons shall desire to pay any money into the state treasury for the benefit of the family or friends residing in this state, of any person in the military service of this state, or of the United States, and shall produce to the comptroller a descriptive list showing the name or names of the person or persons paying the same, and the amounts thereof, with the proper designation of their company and regiment, and the name or names of the person or persons for whose benefit such money is paid, with the place of residence and post office address of such person or persons respectively, it shall be the duty of the comptroller to certify such money into the state treasury, and of the treasurer of state to receive and receipt for the same in like manner as is required by law in case of the payment into the treasury of the proper moneys of the state, and the comptroller shall forthwith certify to the auditor of state a copy of such descriptive list, and on the delivery of the same, and of the receipt of the treasurer of state to the auditor of state, the auditor shall charge the amount thereof to the treasurer, and transmit to the several county auditors a copy of so much of said list as may relate to the persons entitled to said money, residing in their respective counties.

Descriptive list.

Duties of comptroller, treasurer of state, and auditor of state.

Sec. 2. Each county auditor, on receiving said list, shall draw an order on the auditor of state for the amount specified therein, in favor of the treasurer of his county, and charge the same to the county treasurer, and shall also, forthwith, by mail, or in such other manner as the commissioners of the county may direct, give to each

Duty of county auditor.

person entitled to receive any portion of said sum, a written notice of its receipt into the county treasury, and shall thereafter, on the personal application or written order of such person, draw an order on the county treasurer for his or her portion. All orders so drawn shall be paid on demand from any moneys in the county treasury.

Warrant.

Sec. 3. On the presentation to the auditor of state of any order so as aforesaid, drawn upon him by the county auditor, he shall issue his warrant on the state treasurer for the payment of the amount thereof from the proper fund; and the warrant so issued shall be countersigned by the comptroller, upon the delivery to him of a copy of the order of the county auditor, and shall be paid by the treasurer of state on demand.

Further duties of county and state auditors.

Sec. 4. It shall be the duty of each county auditor, on the first Monday of each month, to transmit to the auditor of state a list or statement of the several sums paid by the county treasurer from said fund, during the month next preceding, which list or statement shall be filed and kept in the office of the auditor of state; and if any person entitled to a portion of said money shall fail to demand payment thereof within three months after its receipt by the county treasurer, or after the delivery to him of the order on the auditor of state as aforesaid, such portion shall thereafter, on demand, be paid to the person by whom the same was originally donated or paid into the state treasury, unless it shall have been previously demanded by the donee; and if, at the expiration of the further period of six months, any portion of such money shall not have been demanded by any person entitled thereto, the same shall be returned and paid by the county treasurer into the state treasury, there to remain until demanded by some one of the persons entitled thereto as aforesaid, or their legal representatives.

Money not demanded how disposed of.

Liability of officers charged with duties herein.

Sec. 5. Each officer charged by this act with the performance of any duty, shall be held accountable therefor in like manner as in case of other official duties, and shall, with his sureties, be liable upon his official bond, for any failure, neglect or refusal to discharge such duties, but no fee or compensation shall be charged by, or allowed to any officer or other person, for the performance of any such duty, nor shall the sum to be paid to any person as provided in this act, and specified in any list as aforesaid, be diminished for any cause whatever.

Exemption.

Sec. 6. The moneys specified in this act shall not be subject to any proceedings in aid of execution, or attachment, or any other legal process for the satisfaction of any debt or liability of any of the parties entitled thereto.

Forms.

Sec. 7. The auditor of state may prescribe such forms as he may deem necessary to carry out the provisions of this act, and to secure uniformity therein, and such forms shall be observed by all state and county officers.

Sec. 8. This act shall take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed February 4, 1862.

AN ACT

For the relief of the families of volunteers in the State or United States service.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the relief of the necessities of the families of volunteers who now are, or hereafter may be, in the service of this state or the United States, there be and hereby is levied and assessed, for the year 1862, three-fifths of one mill on the dollar valuation on the grand list of the taxable property of the State; and the amount so levied and assessed shall be collected in the same manner as other state taxes are collected.

Tax levied, three-fifths of a mill on the dollar valuation.

Collected as other state taxes.

Sec. 2. It shall be the duty of the assessors in the several wards and townships in the state, when they are making the assessment of 1862, to take an enumeration, by name, of all the volunteers who have enlisted from their several wards and townships, being residents therein when enlisted, and are then in the service of the state or United States, naming the company and regiment to which they belong, and make an accurate return, under oath, to the auditors of their counties on or before the third Monday of May, 1862, designating those who have families and those who have not, and where there are families, the number, sex and ages.

Duty of assessors.

Sec. 3. That it shall be the duty of the auditors of the several counties to furnish to the assessors of their respective counties such blanks as may be necessary for taking the aforesaid enumeration; and within twenty days after said enumeration is returned to them, make out and forward to the auditor of state a statement showing the number of volunteers who have enlisted from their respective counties, and are then in the service of the state or United States.

Duty of county auditors.

Sec. 4 It shall be the duty of the auditor of state to open proper accounts with each county in the state, and apportion the fund so raised upon the enumeration and returns made to him by the several county auditors, and pay over the same to the county treasurers at their semi-annual settlement with the state, taking the proper receipt therefor.

Duty of auditor of state.

Sec. 5 That the commissioners of the several counties respectively shall take control of said fund for the purposes named in this act when paid into the county treasuries. The fund raised by the levy authorized by this act shall be distributed by said commissioners for the relief of the necessities of the families of non-commissioned officers, musicians and privates in the service aforesaid, in money or otherwise, as their necessities may require, under such rules and regulations as said commissioners may institute. Said commissioners shall continue to afford the relief contemplated by this act to the family of any volunteer heretofore or hereafter killed, deceased, or disabled in the service aforesaid.

Duty of county commissioners.

Sec. 6. To anticipate the receipts which may come into the county treasuries by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized and required to borrow, from time to time, as may be deemed necessary, such sums of money as shall not exceed in the aggregate three-fourths of their proportion of the tax levied by this act, or may, to that extent, temporarily transfer money from any other fund except the school fund. The money so borrowed shall be repaid, with interest not exceeding eight per cent. per annum, out of the relief fund, when paid into the county

Same:

How the word family to be construed.

treasury. The word family, as used in this act, shall be construed to mean only a wife, dependent minor child or children, and dependent parent or parents, residing in this state.

Moneys transferred to be reimbursed.

Sec. 7. Any moneys transferred, as aforesaid, shall be reimbursed to the proper fund from moneys obtained under the provisions of this act. And said commissioners are hereby authorized, out of any money that may be borrowed as aforesaid, or out of said relief fund when paid into the county treasury, to pay any amounts that may have been provided under and in conformity to the relief act passed May 10th, 1861, over the amount of the fund raised by the authority of said act.

Further authority of commissioners.
Vol. 58, 132.

No compensation.

Sec. 8. No compensation shall be allowed to any officer or person for any services rendered under the provisions of this act.

Families of volunteers killed, etc., to have benefits of this law.

Sec. 9. That the families of all volunteers, who may have been or shall be killed, disabled, or taken prisoners, (and held as such) in any engagements with the rebels, shall be entitled to the benefits of this law, though they may not have been regularly mustered into the service of the state or of the United States.

Sec. 10. Soldiers enlisted since April 1st, 1861, in the regular army of the United States, shall be deemed volunteers for all the purposes of this act.

Sec. 11. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 13th, 1862.

AN ACT

Sw. & Cr. 433. To amend "an act for the punishment of certain offenses therein named," passed March 8th, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-four of "an act for the punishment of certain offenses therein named," passed March 8th, 1831, be so amended as to read as follows :

Being concerned in any lottery or scheme of chance.

Sec. 44. That if any person or persons shall vend, sell, barter or dispose of any lottery ticket or tickets, order or orders, device or devices of any kind, for or representing any number of shares, or any interest in any lottery or scheme of chance, or shall open or establish, as owner or otherwise, any lottery or scheme of chance in this state, or shall be in any wise concerned in any lottery or scheme of chance, by acting as owner or agent in this state, for or on behalf of any lottery or scheme of chance to be drawn, paid, or carried on, either out of or within this state, every such person shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or be imprisoned not exceeding six months, or both, at the discretion of the court.

Penalty.

Provided.

Sec. 2. The original section forty-four of said act passed March 8th, 1831, is hereby repealed : provided, that all offenses

committed prior to the taking effect of this act shall be prosecuted and punished in the same manner as if this act had never been passed.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 7, 1862.

AN ACT

To amend an act entitled "an act to fix the salaries of judges in certain cases," passed April 12, 1858. (Swan, II, 1334.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act be so amended as to read as follows :

Sec. 3. That each judge of the supreme court hereafter elected shall receive as compensation for his services the sum of two thousand five hundred dollars a year, payable quarterly out of the state treasury, on the warrant of the auditor of state.

Salary of judge of the supreme court hereafter elected.

Sec. 2. That section three of the act aforesaid be and the same is hereby repealed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 15th, 1862.

AN ACT

To repeal an act entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852," passed April 3, 1857.

Sw. & Cr. 1549.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act supplementary to the act to provide for the organization of cities and incorporated villages, passed May 3, 1852," passed April 3, 1857, be and the same is hereby repealed.

Sec. 2. This act to take effect immediately.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

February 18, 1862.

AN ACT

To repeal certain statutes therein named.

Sw. & Cr.
1207.

Swan's R. S.
743.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to provide for the publication of the general laws in newspapers, and to repeal an act entitled 'an act to provide for an early publication of the laws, and for other purposes,' passed March 23, 1850," passed March 11, 1853, as amended March 31, 1859, (and the act entitled "an act to amend the first section of the act entitled 'an act to provide for the publication of the general laws in newspapers, and to repeal the act therein named,' passed March 11, 1853," passed April 29, 1854,) be and the same is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 19, 1862.

AN ACT

To enable justices of the peace to discharge the duties of police judges in certain cases.

When lawful
for justices to
discharge du-
ties of police
judges, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the absence, sickness, inability, or other disability of the police judge of the police court in any city in this state, it shall be lawful for any justice of the peace of the township in which such city may be located, and residing within the limits of said city, and who may be selected by the mayor thereof, to hold and preside in said police court, and for the time being such justice shall have the same jurisdiction and powers which now are or hereafter may be conferred upon the judges of police courts, and shall be styled "police judge *pro tem*," in which style he shall sign all process and records, and do all other acts which police judges may do.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 21, 1862.

AN ACT

To amend section three of "an act supplementary to an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the amendment passed March 11, 1853, and a supplementary act passed April 8, 1856, and supplementary to the act passed April 12, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of said act passed March 22, 1860, be so amended as to read as follows:

Sec. 3. That it shall be the duty of the city auditor to make the assessment required by the preceding section upon all the real estate in the district upon the valuation as established by law for state and county purposes, and said auditor is hereby required to certify said assessment to the city council on or before the second Monday in September annually; that after the same shall have been confirmed by the city council, they shall direct the city clerk to certify it to the county auditor, who is hereby authorized and required to place the same upon the tax duplicate in the same manner as other township and city taxes are by law placed upon said duplicate; and the county treasurer is hereby authorized and required to collect said assessment in the same manner as other taxes are collected by him, and, when collected, shall pay the same to the treasurer of said city, and for the purpose of enforcing the collection of said assessment, he shall have the same power and authority now allowed by law for the collection of state and county taxes.

Duty of city auditor to make assessment.

And when to certify same to city council.

Duty of county auditor.

—of county treasurer.

Sec. 2. That section three of the act to which this act is amendatory be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

February 21, 1862.

AN ACT

To amend section seven of "an act to provide for the election of township assessors, and to prescribe their duties," passed and took effect April 4, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of an act to provide for the election of township assessors, and to prescribe their duties, passed and took effect April 4, 1859, be so amended as to read as follows:

Sw. & Cr. 86.

Sec. 7. Assessors shall be paid out of the county treasury one dollar and fifty cents per day for the time during which they shall be necessarily engaged in the performance of their duties. Each assessor shall make out an account in detail, giving the date of each day in which he shall have been thus engaged, and shall verify the same by his oath, which the county auditor is hereby authorized to administer; and if the auditor shall be satisfied that such account is correct, he shall draw his warrant on the county treasurer for the amount thereof, but in no case shall such order be drawn until the assessor shall have filed with the auditor his list of assessments,

Compensation of assessors.

His account.

Duty of county auditor.

accurately made out, and upon the statements returned to him, and the books on which the original assessments were made.

Sec. 2. That original section seven of the above recited act to which this is an amendment is hereby repealed.

Sec. 3. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 24, 1862.

AN ACT

To amend "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed and took effect April 5, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections sixth and fifty-third of the above named act be and are hereby so amended as to read as follows :

Statement re-
quired of each
person listing
property.

Sec. 6. Each person required by this act to list property, shall make out and deliver to the assessor, when required, or within ten days thereafter, a statement, verified by his oath or affirmation, of all the personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, in his possession or under the control of such person, on the day preceding the second Monday of April of that year, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor.

When lien of
state for taxes
attaches.

Sec. 53. The lien of the state for taxes levied for all purposes, in each year, shall attach to all real property subject to such taxes, on the day preceding the second Monday of April, annually, and shall continue until such taxes, with any penalty which shall accrue thereon, shall be paid; all personal property subject to taxation shall be liable to be seized and sold for taxes; and the personal property of any deceased person shall be liable, in the hands of any executor or administrator, for any tax due on the same by any testator or intestate.

Sec. 2. That sections sixth and fifty-third of the act to which this is an amendment be and the same are hereby repealed.

Sec. 3. This act to take effect from its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

February 25, 1862.

AN ACT

Making partial appropriations for the current expenses of the different benevolent institutions of the state, for the year 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and the same are hereby appropriated, out of any money in the state treasury for general revenue purposes for the year 1862, for the following purposes, to wit: For provisions and necessary current expenses in the central lunatic asylum, the sum of five thousand dollars; for provisions and necessary current expenses in the northern lunatic asylum, the sum of five thousand dollars; for provisions and necessary current expenses in the southern lunatic asylum, the sum of five thousand dollars; for provisions and necessary current expenses in the institution for the education of the deaf and dumb, the sum of three thousand dollars; for provisions and necessary current expenses in the institution for the education of the blind, the sum of three thousand dollars.

Appropriation.

Central Lunatic Asylum.
Northern.

Southern.

Deaf and Dumb.

Blind.

SEC. 2. No money herein appropriated shall be expended for any other purpose than the specific purposes named in this act, nor for the payment of debts contracted prior to February 1, 1862.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 25, 1862.

AN ACT

To amend section four of an act entitled "an act relating to juries," passed February 9, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of an act entitled "an act relating to juries," passed February 9, 1831, be amended so as to read as follows: **Sec. 4.** That the clerk of the court of common pleas shall write the names of the persons so selected upon separate pieces of paper, and put them into a box, to be by him provided at the expense of the county; and the said clerk shall, at least thirty days previous to the sitting of the said court of common pleas in said county, in the presence of the sheriff of said county (the sheriff having first shaken the box, so as to mix the ballots on which the names are written), proceed to draw twenty-seven ballots; the first fifteen of whom shall be summoned as grand jurors, and the remaining twelve shall be summoned as petit jurors. And the said clerk shall forthwith issue a venire facias to the sheriff, commanding him to summon the persons, whose names were drawn as aforesaid, to attend as jurors, at the seat of justice of said county, on the first day of the next term of the court of common pleas to be holden therein, at ten o'clock A. M.: Provided, that the several judges of the courts of common pleas shall have full power and authority, by

Sw. & Cr. 752.

Drawing jury for common pleas.

Venire, its command.

Proviso.

an order made in vacation or term time, to direct on what day of any term the petit jury shall appear, and the clerk shall issue the venire accordingly.

Sec. 2. That section four of the above-named act be and the same is hereby repealed. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 28, 1862.

AN ACT

Making appropriations for the payment of interest and principal on the public debt of the state.

Funds transferred.

Expenses of commissioners of sinking fund, and interest due. Future interest. Principal.

When drafts may be drawn on county treasurers.

Appropriation.

For payment of state debts, expenses N. Y. agency, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized to transfer to the sinking fund, from the fund levied to pay the "Union loans" contracted during the year 1861, the amount of the expenses incurred by the commissioners of the sinking fund in procuring said loans, and the amount of the interest heretofore due on said loans; and there is hereby appropriated of the fund levied as aforesaid for the payment of future interest on said loans, the sum of seventy-three thousand four hundred and fifty dollars, and for the payment of the principal of said loans, three hundred thousand dollars.

Sec. 2. Whenever the commissioners of the sinking fund shall deem it necessary or proper to pay any appropriation made by law, to use any portion of the fund mentioned in the first section of this act, after the collection thereof, and before the next semi annual settlements of county treasurers with the auditor of state, drafts may be drawn on county treasurers therefor, in the same manner as now is or hereafter may be prescribed by law in case of the sinking fund.

SECTION 3. There is hereby appropriated, from any moneys in the treasury, and that may come into the treasury, belonging to the sinking fund, in addition to former appropriations, for the payment of interest on the foreign and domestic debt of the state, exclusive of that mentioned in the first section of this act, eight hundred and two thousand one hundred dollars; for the payment of interest on the irreducible debt, or trust funds held by the state, one hundred and seventy thousand dollars; for the payment of the principal of the foreign debt mentioned in this section, three hundred and fifty thousand dollars, and any further sum that may come into the treasury, applicable to that purpose; for the payment of the necessary expenses of the New York agency, including the salary of the agent of the state, three thousand five hundred dollars; for the payment of the necessary expenses of the office of the commissioners of the sinking fund at the seat of government, including the salary of the clerk, fifteen hundred dollars; for the payment of the necessary expenses of the commissioners, in paying the interest

and principal of the foreign debt of the State, one thousand dollars, and for the contingent expenses of the commissioners, five hundred dollars.

Sec. 4. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,

Passed February 28, 1862.

President of the Senate.

AN ACT

To amend the twenty-eighth section of the act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases." Sw. & Cr. 776.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the twenty-eighth section of the act entitled "an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases," passed March 14, 1853, be so amended as to read as follows: Sec. 28. The plaintiff shall have an order of attachment against the property of the defendant, in a civil action before a justice of the peace, for the recovery of money, before or after the commencement thereof, when there is filed in his office an affidavit of the plaintiff, his agent or attorney, showing the nature of the plaintiff's claim, that it is just, the amount the affiant believes the plaintiff ought to recover, and the existence of some one or more of the following particulars: 1. That the defendant, or one of several defendants, is a corporation having no officer upon whom a summons can be served, or place of doing business in the county, or is a non-resident of the county; or, 2. Has absconded, with intent to defraud his creditors; or, 3. Has left the county of his residence to avoid the service of a summons; or, 4. So conceals himself that a summons cannot be served upon him; or, 5. Is about to remove his property, or a part thereof, out of the county, with the intent to defraud his creditors; or, 6. Is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or, 7. Has property, or rights of action, which he conceals; or, 8. Has assigned, removed, or disposed of, or is about to dispose of his property, or a part thereof, with intent to defraud his creditors; or, 9. Fraudulently contracted the debt, or incurred the obligation, for which suit is about to be or has been brought. When the defendant is a corporation, having no officer in the county upon whom a summons can be served, or place of doing business in the county, or is a non-resident of the county, the attachment shall not be granted, unless the claim is for a debt or demand arising upon contract, judgment, or decree. Affidavit for attachment.

Sec. 2. That original section twenty-eight of the above recited act, to which this is an amendment, is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,

Passed February 28, 1862.

President of the Senate.

AN ACT

Changing the times fixed for holding the terms of the district court, and the summer and fall terms of the court of common pleas, in the ninth judicial district, for the year 1862.

District.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the times fixed by the judges of the ninth judicial district of the state of Ohio, for holding the terms of the district court, in the year 1862, in the several counties composing said district, be changed, and that the terms of the district court be held in said counties, in the year 1862, as follows :

In the county of Portage, on the 24th day of April.

In the county of Stark, on the 28th day of April.

In the county of Carroll, on the 1st day of May.

In the county of Columbiana, on the 3d day of May.

In the county of Mahoning, on the 6th day of May.

In the county of Trumbull, on the 9th day of May.

In the county of Lake, on the 13th day of May.

In the county of Geauga, on the 15th day of May.

In the county of Ashtabula, on the 17th day of May.

Common
pleas.

Sec. 2. That the times fixed by said judges for holding the summer and fall terms of the court of common pleas, for said year 1862, in said district, be changed, and that the terms of the court of common pleas be held in the several counties, composing said district, in said year 1862, as follows :

In the county of Carroll, on February 11th, May 21st and October 1st.

In the county of Stark, on February 24th, June 2d and October 15th.

In the county of Mahoning, on February 10th, May 21st and September 29th.

In the county of Columbiana, on March 3d, June 9th and October 15th.

In the county of Portage, on February 10th, May 21st and September 29th.

In the county of Trumbull, on March 3d, June 9th and October 15th.

In the county of Lake, on February 10th, May 20th and September 29th.

In the county of Geauga, on February 24th, June 2d and October 15th.

In the county of Ashtabula, on March 17th, June 16th and November 3d.

Sec. 3. This act shall take effect and be in force from and after the date of its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 5, 1862.

AN ACT

To amend section seven of "an act defining the jurisdiction and regulating the practice of probate courts," passed March 14, 1853. Sw. & Cr. 1213.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above entitled act, be so amended as to read as follows: Sec. 7. No judge of a probate court, or any deputy clerk employed by him, or who shall be engaged in the business of such court as clerk thereof, shall, during the term of his office or employment, practice law, or be associated with another as partner in the practice of law, in any of the courts, or other tribunals of this state; neither shall such judge or clerk prepare any petition, or answer, or make out any account current, which any executor or administrator or guardian may be required to present for the settlement of the estate committed to his care and management; nor appear as counsel or attorney before any justice of the peace, or before any court or other judicial tribunal in this state; nor shall such judge or deputy clerk make a record of any paper, receipt or voucher, produced to verify any charge or credit in the account current, filed, or presented for settlement as aforesaid, unless the recording thereof be requested in writing by the party making such settlement; but nothing in this section contained shall prevent any probate judge, or deputy clerk aforesaid, from finishing any business by him commenced prior to the passage of said original act, and connected with his official business.

No probate judge or his clerk to practice law.

May finish business commenced by him.

Sec. 2. If any deputy or other clerk mentioned in the first section of this act, shall willfully violate any provision thereof prohibiting him from practicing law in any of the ways therein specified, it shall be the duty of the probate judge, on written complaint filed and satisfactory proof of such violation, to remove him from office.

Duty of judge to remove clerk violating this act.

Sec. 3. The seventh section of the original act is hereby repealed. This act shall take effect and be in force from and after the passage thereof.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 5, 1862.

AN ACT

Supplementary to an act entitled "an act concerning the relation of guardian and ward," passed April 12, and took effect July 1, 1858. Sw. & Cr. 670.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any person is guardian of the persons and estates, or of estates only, of two or more persons, whose real estate is owned by them jointly or in common, it shall be lawful for said guardian, in making application for the sale of such real estate, in one petition to ask for the sale of the interests of any two or more, or all of his wards therein—in which case, he shall make all of said

Court may order guardian to sell interest of part or all his wards in real estate.

wards whose interests he asks for the sale of, parties defendant to his petition ; and the court, upon the hearing of said petition, may order him to sell the interest of one or more, or all of said wards, in such real estate, as in its discretion may seem right and proper.

Sec. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 6, 1862.

AN ACT

Sw.&Cr. 1224. To amend section one of an act entitled "an act defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana," passed April 4, 1859.

Additional criminal jurisdiction.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana," passed April 4, 1859, be so amended as to read as follows : Sec. 1. That in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana, the probate courts, in addition to the jurisdiction now conferred by law, shall have concurrent jurisdiction with justices of the peace in the punishment of all crimes and misdemeanors, and such other and further jurisdiction as is hereinafter provided.

Sec. 2. That said original section be and the same is hereby repealed.

Butler county

Sec. 3. That the true intent and meaning of this act is to exempt the county of Butler from the operation of the provisions of the above entitled act, passed April 4, 1859, and all acts and parts of acts amendatory thereto.

Sec. 4. This act shall be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 6, 1862.

AN ACT

To amend section five of an act entitled "an act supplementary to an act entitled 'an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853,'" and to repeal an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed April 8, 1856; also, "prescribing the duties of county commissioners, county auditors, township clerks, and supervisors," passed April 12, 1858.

Sw & Cr. 1318

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five of the above recited act be so amended as to read as follows: Sec. 5. Any person charged with a road tax may discharge the same (except that set apart for bridge purposes) by labor on the public highways within the district where the same is charged, prior to the fifth day of August, at the rate of one dollar per day for each day's work of an able-bodied man, and a ratable allowance per day for any team or implements furnished by any person, under the direction of the supervisor of such district. Each supervisor (except as hereinafter provided) shall write on the margin of his list, opposite to the amount charged against all such as may pay the same by labor, the word "paid," and shall return his list on or before the seventh day of August of the same year to the township clerk, who shall write on the margin of the list sent to him by the auditor, opposite to the amount charged against each person who may have paid the same in labor, as shown by the returns of the supervisors, the word "paid," and shall forthwith forward the same to the county auditor, who shall charge all such as may remain unpaid, as shown by the returns of the township clerks upon the duplicate of the proper county, and the same shall be collected as other moneys are collected by the county treasurer, and the supervisor shall also, on being requested so to do, give to each person who may pay his tax as aforesaid, a receipt for the same, and if by mistake any person who may have paid his road tax, shall be charged with a road tax on the duplicate, the receipt of the proper supervisor shall be conclusive evidence that such road tax is unjustly charged: Provided, that in such counties where the commissioners shall extend the time for the discharge of the road tax in labor on the roads and highways as provided for in section four of the act of which this is amendatory, beyond the fifth day of August in each year, it shall be the duty of the supervisors of every such county to give every person a certificate specifying the amount of tax so paid in labor, and the district and township wherein such labor was performed; also, that such labor was performed between the first day of April and the day so designated by the commissioners for the completion of all labor on the roads and highways, which certificate shall in no case be given for a greater sum than the tax charged against such person, and the county treasurer shall receive all such certificates as money, in the discharge of said road tax; and in case the holder of such certificates shall desire to pay taxes by semi-annual installments, such certificates may be received in payment of the December installment, and the one-half part thereof credited on the June payment. All road taxes shall be placed upon the tax duplicate, and collected by the county treasurer the same as other taxes, except as herein provided.

Cash or labor
for road tax.

Duty of supervisor.

—of township
clerk.—of county
auditor.Further duties
of supervisor.County treasurer
to receive
certificates as
money.

SEC. 2. That section five of the act to which this is an amend-

ment is hereby repealed. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed March 10, 1862.

AN ACT

Vol. 58, 113 To amend "an act to exempt from execution the property of the militia of Ohio mustered into the service of the United States," passed May 1, 1861.

The property of volunteers exempted from sale on execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled as aforesaid, be so amended as to read as follows: Sec. 1. That the individual and separate property, real and personal, of any person who may have volunteered and been mustered into the service of the United States, or who shall hereafter volunteer and be mustered into such service, shall be, and the same is hereby declared to be exempted, during the time such person shall continue in such service, and two months thereafter, from sale on any execution, or order of sale, issued on any judgment, order, or decree, existing or rendered against him during his said service, by any court of this state; and that the individual and separate personal property of such person shall also, during the period aforesaid, be exempted from levy by execution, or order of sale, issued as aforesaid, any law to the contrary notwithstanding.

Rights accrued not affected.

SEC. 2. That the first and second sections of the original act, entitled as aforesaid, be and the same are hereby repealed; and that the second section of said act be so amended as to read as follows: Sec. 2. This act shall take effect from and after its passage: Provided, that all rights accrued, and liabilities incurred under the provisions of the said original act hereby repealed, shall not be affected or impaired by the repeal thereof.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed March 10, 1862.

AN ACT

To provide for the payment of claims and advancements for the relief of the families of soldiers under the act of May 10, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of any county in this state, are authorized to levy, in the year A. D. 1862, such tax, not exceeding one-half of one mill on the dollar's valuation of the tax-

County commissioners may levy tax.

ble property of such county, as may be required to repay any sum already expended by said commissioners in pursuance of, and in conformity to, the act of the 10th of May, 1861, entitled "an act to afford relief to the families of soldiers mustered into the service of the United States, and in the service of the state, under the requisition of the president," passed May 10th, 1861, in affording relief to the families of soldiers over and beyond the amount produced by any levy which said commissioners may have heretofore made upon the taxable property of said county in pursuance of said act, passed May 10th, 1861: Provided, that no compensation shall be allowed or paid to any officer or other person for any service rendered under the provisions of this act.

—to repay sums expended under former law.

(58 vol. stat. 132.)

—beyond levies heretofore made under said act.

No compensation allowed.

Sec. 2. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed March 10, 1862.

AN ACT

To amend the forty-seventh section of the act entitled "an act to provide for the organization of cities and incorporated villages." Sw. & Cr. 1509

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the forty-seventh section of an act entitled "an act to provide for the organization of cities and incorporated villages," be so amended as to read as follows: Sec. 47. The corporate authority of incorporated villages, organized, or to be organized for general purposes, shall be vested in one mayor, one recorder, and five trustees, who shall be qualified electors, residing within the limits of the corporation, and shall hold their office for one year, and until their successors are elected and qualified; and such mayor, recorder and trustees, shall constitute the council of the incorporated village, any five of whom shall be a quorum for the transaction of business, and shall receive no compensation for their services as council, or as sub-committee of the same, except the recorder, who may be paid for recording the ordinances and proceedings of any such council the sum of not more than ten cents per one hundred words.

Village councils.

Term of office.

Quorum.
No compensation.
—except recorder.

Sec. 2. That original section forty-seven be and the same is hereby repealed.

Sec. 3. That this act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed March 12, 1862.

AN ACT

Making partial appropriations for the Ohio penitentiary for the year 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and the same are hereby appropriated out of any money in the state treasury for general revenue purposes for the year 1862 :

Guards of penitentiary. For deficiency of appropriation for the payment of guards of Ohio penitentiary, for the first quarter of 1862, the sum of three thousand seven hundred and seventy-five dollars and sixty cents.

Discharged convicts. For deficiency of appropriation for discharged convicts, for the first quarter of 1862, the sum of four hundred and seventy-five dollars.

Directors. For deficiency of appropriation for the payment of the directors of the penitentiary, for the first quarter of 1862, the sum of one dollar and eighty cents.

Seating chapel. For deficiency of appropriation for seating new chapel, one hundred and three dollars and twenty-nine cents.

Contractors for rebuilding. For payments of contractors for rebuilding saddle-tree and plate shop, two thousand eight hundred and eighty-two dollars and sixty cents.

Accounts closed. **Sec. 2.** That the accounts upon the books of the auditor of state and the penitentiary, with the several funds hereinafter named, be closed, and the balance of special appropriations undrawn and standing to the credit of each said funds, to wit :

"Enlargement," nine hundred eighty-nine dollars and eighty-nine cents ;

"New hose," three hundred eighty-one dollars and sixty-seven cents ;

"New cisterns," twenty-eight dollars and eleven cents ;

"New store house," one hundred eighteen dollars and sixty-eight cents ; and

"New privy," one hundred eighty-seven dollars and thirty-six cents, be and they are hereby transferred to general "expense" fund and account of the said penitentiary, and made a part of the appropriations to that fund for the year 1862.

Sec. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed March 12, 1862.

[AN ACT]

To fix the time for holding the terms of the court of common pleas in the several counties of the eighth judicial district of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the courts of common pleas in and for the several counties of the eighth judicial district, in the state of Ohio, in the year one thousand eight hundred and sixty-two, shall be held as follows, to wit :

Muskingum county, February 18, May 19, and November 3.

Morgan county, March 25, July 15, and October 21.

Monroe county, February 18, May 20, and November 11.

Belmont county, March 18, June 17, and October 21.

Noble county, March 4, June 3, and October 7.

Tuscarawas county, February 18, May 27, and October 21.

Guernsey county, March 10, June 9, and November 10.

Jefferson county, March 11, June 10, and November 11.

Harrison county, February 25, May 20, and October 28.

Sec. 2. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed February 4, 1862.

AN ACT

To amend section one hundred and seventy-five of the code of civil procedure. Sw. & Cr. 996.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and seventy-five of the code of civil procedure be so amended as to read as follows, viz :

Sec. 175. An order for the delivery of property to the plaintiff shall be made by the clerk of the court in which the action is brought, when there is filed in his office an affidavit of the plaintiff, his agent or attorney, showing—

Affidavit of plaintiff, and causes for delivery.

1. A description of the property claimed.

2. That the plaintiff is the owner of the property, or has a special ownership or interest therein, stating the facts in relation thereto, and that he is entitled to the immediate possession of the same.

3. That the property is wrongfully detained by the defendant.

4. That it was not taken in execution on any order or judgment against said plaintiff, or for the payment of any tax, fine, or amercement assessed against him, or by virtue of an order of delivery issued under this chapter, or any other mesne or final process issued against him : Provided, that such affidavit may omit the first and last clauses of this subdivision, and in lieu thereof, show that the property was taken in execution on a judgment or order other than an order of delivery aforesaid, and that the same is exempt from such execution under the laws of this state.

Provido.

Sec 2. This act shall take effect on its passage, and said original section one hundred and seventy-five is hereby repealed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 13, 1862.

AN ACT

To authorize the county commissioners to appropriate as county roads, turnpike and plank roads that have been or hereafter shall be abandoned.

When turnpike or plank road held to have been abandoned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any turnpike or plank road company, created or existing by virtue of any law of this state, which shall have neglected, or hereafter shall neglect to elect its officers and keep its road in repair, for the period of three years, shall be deemed and held to have abandoned the same.

Upon petition, commissioners to declare such road vacated.

Seco. 2. That it shall be lawful for the commissioners of any county of this state, in or through which any turnpike or plank road, or any part thereof, has been or may be constructed, upon the petition of twelve or more freeholders of such county, to declare such neglected or abandoned turnpike or plank road vacated: Provided, that before such petition shall be presented, notice of intention to present the same shall have been given in some newspaper of general circulation in said county, for three consecutive weeks, within three months immediately preceding the time of presentation, setting forth specifically when said petition will be presented, and how much of such neglected or abandoned turnpike or plank road is desired to be vacated.

Notice.

Commissioners may declare such a county road.

Seco. 3. It shall be lawful for the county commissioners of any county, in or through which any such road, or part thereof, shall have been constructed, as aforesaid, upon the presentation of any such petition, and being satisfied that due notice had been given, and that the same is necessary for the public convenience, to declare and establish the same as a county road.

Sw. & Cr. 282.

Seco. 4. It shall be lawful for any company organized in conformity with an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1st, 1852, at any time after such turnpike or plank road shall have been declared and deemed abandoned by said commissioners, to take, work and control the same in conformity with all the provisions specified in said last mentioned act: Provided, that the provisions of this section shall not be interpreted to convey the right to resume control of said road, by any corporation or company who shall have abandoned the same.

Seco. 5. This act shall be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed March 13, 1862.

AN ACT

Sw. & Cr. 1183 To amend section 14 of "an act directing the mode of trial in criminal cases," passed March 7, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the above recited act, be amended so as to read as follows:

Sec. 14. The court, before whom any person shall be indicted, is

hereby authorized and required to assign such counsel, not exceeding two, as he or she shall desire, if the prisoner has not the ability to procure counsel; and they shall have free access to the prisoner at all reasonable hours: Provided, such counsel shall receive no compensation to be paid out of either the county or state treasury.

When court to assign counsel.
Access to prisoner.
No compensation.

Sec. 2. That section fourteen of the above recited act be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 14, 1862.

AN ACT

To amend an act entitled "an act to punish the offense of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables, in certain counties of this state," passed March 13, 1845, and to repeal certain acts amendatory thereto, passed Feb. 16, 1846, and Feb. 24, 1848.

Sw. & Or. 437-8-9.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall willfully and maliciously, and without lawful authority, cut down, root up, sever, carry away, injure, or destroy any fruit or ornamental tree, shrub, bush or vine, or any cultivated root, plant or fruit, or other vegetable production, standing, growing, or being on or attached to the lands of another, or shall wilfully and without lawful authority, cut down, root up, carry away, destroy, or injure any fruit, shade, or ornamental tree, vine or shrub, planted or growing on any street, lane or alley, state or county or other public road, or on any public grounds in any city, borough, incorporated village or town within this state, every such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the jail of the county not exceeding sixty days, or both, at the discretion of the court, and shall moreover be liable to the party injured for the amount of damages sustained: Provided, that in all prosecutions under the provisions of this act, the court shall not inflict the punishment by imprisonment unless the value of the property injured, destroyed, cut down, or carried away, shall be found to be fifty cents, or more, nor to imprisonment more than thirty days when the value of such property is not found to be more than one dollar: Provided, this act shall not be construed or held to extend to any wild fruits growing on unenclosed lands, except cranberries.

Injuring trees, etc.

When no imprisonment, and when not to exceed thirty days.

Proviso.

Sec. 2. In case of prosecution under the provisions of this act, for any of the offenses above specified, if the lands therein referred to shall be owned or occupied in common by two or more persons as tenants in common or otherwise, it shall be deemed sufficient if the name of any one or more of such tenants in common or occupiers shall be named as the owner thereof.

The indictment in such cases,

—and the
prosecution.

Sec. 3. All prosecutions under the provisions of this act shall be by indictment in the court of common pleas of the proper county, or by action for the damages before any court in said county having jurisdiction of the amount claimed, and shall be commenced within one year from the time the offense shall have been committed; and all fines collected under the provisions of this act shall be paid into the treasury of the proper county, for the use of such county.

Acts repealed.

Sec. 4. The act entitled "an act to punish the offense of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables, in certain counties in this state," passed March 13, 1845; the act entitled "an act to amend the act entitled an act to punish the offense of cutting or destroying fruit and ornamental trees, and stealing fruit and vegetables, in certain counties of this state," passed February 24, 1848, and the act entitled "an act to extend the provisions of an act to punish the offenses of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables, in certain counties of this state, passed March thirteen, one thousand eight hundred and forty-five, throughout the state," passed February 16, 1846 (S. & C., stat., pp. 437, 438 and 439), be, and the same are hereby repealed: Provided, that all violations of, or penalties incurred under the provisions of any of the acts hereby repealed, shall be prosecuted and punished under said acts as if this act had not been passed.

Saving, etc.

Sec. 5. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 20, 1862.

AN ACT

To amend section 200 of the "act to establish a code of civil procedure," passed May 11, 1853, as amended by the act of March 17, 1856.

Sw. & Cr. 1005

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two hundred of the "act to establish a code of civil procedure," passed May 11, 1853, be so amended as to read as follows, viz:

Proceedings
against gar-
nishes.

Sec. 200. When the plaintiff, his agent, or attorney, shall make oath, in writing, that he has good reason to, and does believe that any person or corporation, in said affidavit named, has property of the defendant in his possession (describing the same), if the officer can not get possession of such property, he shall leave with such garnishee a copy of the order of attachment, with a written notice that he appear in court and answer, as provided in section two hundred and fourteen. If the garnishee shall not reside in the county in which the order of attachment shall be issued, the process may be served by the proper officer of the county in which the garnishee shall reside (or of any county where the garnishee may be personally served), and the answer of the garnishee shall be made before the clerk of the court of common pleas of the county in which the garnishee may reside, within the time required for the filing of

Process—by
whom served.

answers by garnishees. Any special examination of such garnishee which may be ordered by the court, shall be in the county in which he may reside; and, should suit be brought against such garnishee, under the provisions of section two hundred and eighteen of this act, such suit shall be brought in the county in which the garnishee shall reside. The clerk of the court of common pleas, before whom the answer aforesaid shall be made, shall transmit the same to the clerk of the court in which the suit shall be commenced, in the same manner as depositions are required to be directed and transmitted, and shall receive for his services such fees as are allowed by law for taking depositions, and to clerks for furnishing certificates, with their seals of office attached. In all cases in which the garnishee shall admit an indebtedness to the defendant, and the court shall order the payment of the same, or any part thereof, to the plaintiff, if the garnishee shall not pay the same according to such order, execution may issue thereon as upon judgments for the payment of money. The service of process upon a sheriff, coroner, constable, master commissioner, marshal of an incorporated city or village, or other officer having any money, claim, or other property of the defendant in his possession, or in which the defendant may have any interest, shall bind the same from the time of such service, and shall be a legal excuse to such officers to the extent of the demand of the plaintiff, for not paying such money or delivering such claim or property to the defendant, as by law, or the terms of the process in his hands, he would otherwise be bound to do.

Where suit to be brought.

Clerk's duties.

Execution.

Officers made garnishees.

Sec. 2. This act shall take effect and be in force from and after its passage, and said section 200 of the "act to establish a code of civil procedure," as amended by the act of March 17, 1856, is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 20, 1862.

AN ACT

To amend "an act to authorize the making of real estate indexes, and to further prescribe the duties of county commissioners and recorders in certain counties," passed February 14, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act to authorize the making of real estate indexes, and to further prescribe the duties of county commissioners and recorders in certain cases, passed February 14, 1859, be so amended as to read as follows:

Section 1. That it shall be lawful for the county commissioners of all counties in this state having a population of more than fifty thousand inhabitants, to employ at a reasonable compensation, to be fixed by them, and to be paid out of the county treasury upon the order of said commissioners, one or more competent persons, who shall, under the direction of the recorder, make out and complete general indexes from the records of all the real estate situate in such

County commissioners in certain counties may cause certain general indexes to be made, etc.

How to be
made.

county, in addition to the alphabetical indexes now provided for by law, for placing under the heads of the original surveyed sections or parts of a section, squares, sub-divisions, or lots, on the left page of such index book: 1st. The name of the grantor or grantors. 2d. Next to the right, the name of the grantee or grantees. 3d. Then the number and page of the record where the instrument is found recorded. 4th. The character of the instrument, to be followed by a pertinent description of the property conveyed by such deed, lease, or assignment of lease. And on the opposite page, in like manner, all the mortgages, liens, or other incumbrances, affecting said real estate.

Certain indexes
may be
purchased.

Recorder to
keep up
indexes.

Sec. 2. That section five be so amended as to read as follows: Sec. 5 That if indexes shall have been made in any such county in this state, in substantial compliance with the provisions of this act, by any person or persons, the county commissioners may purchase the same, at a price by them deemed reasonable, and pay for the same out of the county treasury, and in such case, the same shall be kept up by the recorder in the order in which they shall have been commenced.

Sec. 3. The original sections one and five of the above named act are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 20, 1862.

AN ACT

To amend an act entitled an act to amend an act entitled an act to incorporate the original surveyed townships, passed March 14, 1831, and the acts amendatory thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section first of an act entitled an act to amend an act entitled an act to incorporate the original surveyed townships, passed March 14, 1831, be so amended as to read as follows:

Township
trustees to
make dividend
of rents and
interest from
section
twenty-nine.

Section 1. That in any original surveyed township, or fractional township, wherein section number twenty-nine is reserved, it shall be the duty of the trustees of such township to meet on the fourth Monday of April annually, at the most convenient place nearest the center of such township, or fractional township, and then and there make a dividend of the rents and interest accruing from said section twenty-nine, to each religious society, agreeably to the thirteenth section of the act to which this is an amendment, and in making such dividend, each society shall be entitled to receive a just proportion of the money received by the treasurer of such township.

Sw. & Cr. 1581

Sec. 2. *Be it further enacted,* That the act entitled "an act to amend an act entitled 'an act to amend an act entitled an act to incorporate the original surveyed townships,' passed March 14, 1831, passed April 2, 1858," be, and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 20, 1862.

AN ACT

To amend section sixty-nine of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852. Sw. & Cr. 1516.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act to amend section sixty-nine, passed March 29, 1859, amendatory to the act passed May 3, 1852, entitled "an act to provide for the organization of cities and incorporated villages," be amended so as to read as follows: Sec. 69. The qualified voters of each city of the second class shall elect a city marshal, who shall hold his office for one year, a city treasurer, who shall hold his office for one year, and a city solicitor, who shall hold his office for two years; and that the city council of cities of the second class shall, at their first annual meeting in April of each year, appoint from the qualified voters of the city, a city clerk, who shall hold his office for one year therefrom, or during the pleasure of the board. Said clerk shall have the custody of all the laws and ordinances of the city, and shall keep a regular and correct journal of the proceedings of the council, and shall perform such other duties as may be required by the ordinances of the city. The clerk in office at the expiration of the term of service of any council, shall continue in office until his successor shall be appointed and qualified.

Election of marshal, treasurer, and solicitor, and their terms of office.
Appointment of clerk—and his duties.

Sec. 2. That section one of the act to which this is an amendment, be and the same is hereby repealed.

Sec. 3. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed March 26, 1862.

AN ACT

To define and punish certain contempts of court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where any person shall be recognized to appear as a witness before any justice of the peace, mayor, judge, or court, and shall fail to appear according to the terms of his recognizance, such person may be attached and punished as for a contempt of court.

Contempt of court by person recognized as witness.

Sec. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed March 28, 1862.

AN ACT

Sw. & Cr. 794. To amend section one hundred and forty of an act entitled "An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases," passed March 14, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and forty of the above entitled act be so amended as to read as follows, viz : **Sec. 140.** An action for this purpose shall not be brought until there is filed, in the office of the justice, an affidavit of the plaintiff, his agent or attorney, showing :
The affidavit. 1. A description of the property claimed. 2. That the plaintiff is the owner of the property, or has a special ownership or interest therein, stating the facts in relation thereto, and that he is entitled to the immediate possession of the same. 3. That the property is wrongfully detained by the defendant. 4. That it was not taken in execution on any order or judgment against said plaintiff, or for the payment of any tax, fine, or amercement assessed against him, or by virtue of an order of delivery issued under this act, or any other mesne or final process issued against him : **Provido.** that such affidavit may omit the first and last clauses of this subdivision, and in lieu thereof, show that the property was taken in execution on a judgment or order other than an order of delivery aforesaid, and that the same is exempt from such execution under the laws of this state.

Sec. 2. This act shall take effect on its passage, and said original section one hundred and forty is hereby repealed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 28, 1862.

AN ACT

To punish indecent exposure of person and obscene language.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person, of the age of fourteen years and upward, shall willfully make any indecent exposure of his or her person in any street, lane, alley, or other place, in any city, town, village, or county, or shall utter, speak or use any obscene or lascivious language or words in the presence or hearing of any female, the per-
Indecent exposure, or obscene language.

son so offending shall, upon conviction thereof, be fined in any sum not exceeding five dollars, or be imprisoned in the cell or dungeon of the jail of the county, and be fed on bread and water only, for a period not exceeding ten days, or both, at the discretion of the court

Sec. 2. This act to take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 28, 1862.

AN ACT

To fund the public debt of the state of Ohio which was redeemable at the pleasure of the state after the first of January 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the sinking fund be and they are hereby authorized, empowered and required to make and issue, in due form of law, certificates of the funded debt of the state, of such numbers and amount as shall be sufficient to redeem so much of the said debt as became payable on the first of January, eighteen hundred and sixty-one, and thereafter redeemable at the pleasure of the state, which remains unredeemed. Such certificates shall be made redeemable and payable at such times after being issued, not beyond the first day of January, eighteen hundred and eighty-two, as in the judgment of said commissioners may be most convenient and advantageous for the final redemption and payment of the principal, and of the payment of the interest thereon, by the state. The rate of interest, not exceeding six per cent., shall be clearly expressed on the face of each certificate. The faith of the state [of] Ohio is hereby irrevocably pledged that the value of the certificates of the funded debt hereby authorized to be issued shall in nowise be impaired or diminished by any enactment or authority of this state.

Issue of new certificates.

Sec. 2. All or any of such certificates of the funded debt of this state herein authorized and described may be made and issued as a domestic debt, the principal and interest thereof to be payable at the treasury of the state; or as a foreign debt, the principal and interest of which shall be payable at the office of the agency of the state in the city of New York, and at no other place or places whatever. The certificates so issued as a domestic debt shall be issued and made transferable on the books of said commissioners, at their office at the seat of government; the certificates issued as a foreign debt shall be transferred on the books of the commissioners in manner prescribed by law.

May be either domestic or foreign.

Sec. 3 The interest of all such certificates issued as a domestic debt, as aforesaid, shall be made payable semi-annually, on the first of February and first of August in each year after the issuing thereof, until the final redemption and payment of the principal. The interest on all such certificates as shall be issued as a foreign debt shall be made payable semi-annually, on the first day of Janu-

Interest, how and when payable.

Surrender of
certificates
due Jan 1,
1861, may be
received, and
new, in kind,
delivered in
return.

Proviso.

Sale of certifi-
cates.

(Sw. & Cr.
1231.)

Application of
proceeds.

ary and the first day of July in each year after the issuing of the same, until final redemption and payment of the principal thereof.

Sec. 4. The commissioners of the sinking fund may, if in their opinion it should be most advisable for the interest of the state, receive from the holder of any portion of the certificates of the public debt of this state, payable January first, eighteen hundred and sixty-one, as aforesaid, at any time, a surrender of the same to the said commissioners, and deliver in lieu thereof to said holder a certificate of an equal amount of the funded debt authorized by this act: Provided, that any holder of any portion of said certificates of the public debt aforesaid may at any time within sixty days after the passage of this act, at his option, surrender the same to the commissioners aforesaid, and receive in lieu thereof a certificate of an equal amount of the funded debt authorized by this act; and said commissioners shall make the necessary equalization, transfers, registers and cancellation, with the necessary accounts and registers of the issue and transfers, payment of interest and final payment and redemption of the principal of said certificates on their books.

Sec. 5. If, in the opinion of the commissioners of the sinking fund, it should be most advisable for the interest of the state to offer all or any of said certificates aforesaid of the public debt of the state aforesaid, unapplied by the proviso of the fourth section of this act, for sale, the commissioners, in conducting said sale, and in all matters incident thereto, shall be governed by the applicable provisions of the act entitled "an act to provide for the final payment and redemption of the public debt of the state of Ohio," passed March 26, 1860, both as to the power and manner of the same, provided no such sale shall be made for less than par; and the proceeds of the sale of said certificates of the funded debt aforesaid, issued under this act, shall be applied to the redemption and payment of the public debt of the state aforesaid, which was payable the first of January aforesaid, and to no other purpose whatever.

Sec. 6. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 28, 1862.

AN ACT

Extending the time for inclosing railroads by fences and cattle-guards.

Time extend-
ed two years
from March 1,
1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time fixed in the act entitled "an act providing for inclosing railroads by fences and cattle-guards," passed March 26, 1859; also, in the act passed March 26, 1860, extending the time for inclosing railroads by fences and cattle-guards, so far as relates to roads in operation the first day of January, 1862; b. and the same is hereby extended so as to require said roads to build fences and cattle-guards within two years from March 1, 1862: Provided,

Proviso.

that this act shall not refer to any railroad company that pays a dividend upon its stock.

SEC. 2. This act shall take effect on the 26th day of March, 1862.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 26, 1862.

AN ACT

Supplementary to the several acts authorizing the surrender of leases of lands granted by Congress for the benefit of schools in the Virginia military district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where any lessee, or assignee of any lessee, of any part of the lands granted by Congress for the use of schools in the Virginia military district, shall have died without having surrendered his lease and obtained a conveyance of the land held by him under such lease, it shall be competent for the executors and administrators of such deceased person, or the guardians of his minor heirs or legatees, and the trustees of the owners of any such lands, to surrender the lease thereof, in the manner prescribed by law in cases of lessees, and take deeds therefor, in the name of such heirs, legatees and wards, or persons for whom such trustees may be authorized to act, upon the production to the auditor of state, in addition to the certificate of surrender and payment now required by law, satisfactory proof of the right of the parties to such conveyance. And such executors, administrators, guardians and trustees are hereby authorized, from any moneys in their hands, belonging to the estates in their charge, to pay the appraised value of such lands and the interest accrued thereon: Provided, that such payment shall not be made from moneys required to pay the debts of any decedent, ward, or the costs of administration, or to divert any fund from the course provided by the statute of descents and distribution, or by devise or instrument creating the trust.

Executor, etc., may surrender lease and obtain conveyance.

Proof.

May pay appraised value and interest.

Proviso.

SEC. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 28, 1862.

AN ACT

For the appointment of additional assistant surgeons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That, in addition to the number of assistant surgeons now provided for by the laws and regulations of the United States for the Ohio volunteers in its service, the governor may appoint such number of assistant surgeons as he deems necessary, not exceeding twenty.

Governor may appoint not exceeding twenty.

And assign to
what duty.
(See Sec. 6.)

Sec. 2. Such assistant surgeons shall be assigned to such duty as the governor may from time to time order, among the Ohio volunteers.

Pay.
(See Sec. 6.)
Proviso.

Sec. 3. The pay and emoluments of such assistant surgeons shall be one hundred dollars per month, and shall be paid, on warrant of the auditor, out of the state treasury: Provided, that if the said surgeons are allowed any emoluments by the general government, they shall be deducted from said one hundred dollars per month.

Appointment
revocable.

Sec. 4. The appointment of such assistant surgeons shall be revocable at the pleasure of the governor.

Qualification.

Sec. 5. No assistant surgeon shall be appointed unless he shall have been examined and approved by the board of surgeons provided for in section three of the act to provide for the rapid organization of the militia of Ohio enlisted under the requisition of the president of the United States, passed April 23, 1861.

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Sec. 6. Whenever the United States shall muster such assistant surgeons into its service, the control over them by the governor, provided for in section two, shall cease; and whenever they shall become entitled to receive their pay and emolument from the United States government, under its laws and regulations, the treasury of the state shall cease to be chargeable therefor.

Sec. 7. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 2, 1862.

AN ACT

Sw. & Cr. 356. To amend an act entitled "an act to authorize the incorporation of mutual insurance companies," passed April 14, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections fifteen and twenty of "an act to authorize the incorporation of mutual insurance companies," passed April 14, 1857, be so amended as to read as follows:

Directors.

—their election.

—terms of office.

One-third to be elected annually.

Sec. 15. The affairs of any company organized under this act shall be managed by a board of not more than twelve nor less than six directors, all of whom shall be members. Within one month after the certificate of incorporation shall have been filed, the persons named therein, or any of them, shall, in some newspaper of general circulation published in the county where the principal office of the company shall be kept, give notice of the time and place of holding a meeting for the election of directors, and the election shall be made by certifiers thereof attending, or by-proxy; the directors so elected shall hold their offices for the term of one, two and three years from the date of said election; one-third of the directors, those who receive the highest vote, shall hold their offices for three years, the one-third receiving the next highest vote to hold their offices for two years, the last third to hold their offices for one year. The members of such company shall annually elect one-third of the number of their board of directors, to fill the places of those whose terms of

office shall expire; the directors so elected shall continue in office for the term of three years, or until others shall have been elected to succeed them in the trust, and shall have accepted the same. All companies organized under the act to which this is an amendment shall, at their next annual meeting, elect such number of directors as their by-laws may prescribe, if such number be not in conflict with this act; their terms of office shall be for one, two and three years, according to the intention of this act.

Sec. 20. Township mutual insurance companies, limited in the transaction of the business of insurance to the township in which they are formed, may be organized in the same manner, having the same corporate rights, and be subject to the same restrictions, and governed by all the provisions of this act, as other mutual insurance companies, except that the amount of the premium notes, such as are required in the fourteenth section of this act, shall be at least twelve thousand (\$12,000) dollars, and the amount of money, as required in the last section, at least one thousand dollars, before said company shall issue any policy of insurance.

Township
companies.

Sec. 2. That the said original sections fifteen and twenty of the act to which this is an amendment be and the same are hereby repealed.

Sec. 3. This act to be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 3, 1862.

AN ACT

To abolish the office of the secretary of the board of public works, and to fix the salaries of the engineers on the public works. Sw. & Cr. 1942.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections twelve and thirteen of an act entitled "an act defining the powers and prescribing the duties of the board of public works," passed March 24, 1860, be amended so as to read as follows:

Sec. 12. That each engineer appointed by the board of public works shall receive a salary of one thousand dollars, which shall be paid in quarterly installments, at the close of each fiscal quarter, as now established, out of the state treasury, upon the warrant of the auditor of state; but the said auditor shall not draw his warrant without the check of the acting commissioner of the proper division, for the amount due such officer for such quarter, or any part thereof, according to the facts of the case; and it is hereby made the duty of such acting commissioner to ascertain the amount due for services of each of said officers quarterly, and issue his check accordingly, in the same manner as for any other claim against the state.

Salary of engineer, and how paid.

Sec. 13. It shall be the duty of the board of public works, when assembled together in their official capacity, to keep a correct and complete journal of their proceedings, which shall at all times be subject to the inspection of a committee of either branch of the gene-

Board to keep journal of their proceedings.

No compensation for clerk's services to be paid by state.

ral assembly, or of any person authorized by law to examine the same, or any person who may be interested in the proceedings of said board; and no compensation shall be paid from the state treasury, or liability incurred by the state, for the services of any secretary or clerk which the said board may employ or appoint.

SEC. 2. That sections twelve and thirteen of the aforesaid act be and the same are hereby repealed. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

AN ACT

Sw. & Cr. 964. To amend the seventieth section of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seventy of the above recited act be so amended as to read as follows:

Cases in which service of summons may be made by publication.

Section LXX. Service may be made by publication in either of the following cases:

In actions brought under the forty-fifth and forty-sixth sections of this code, where any or all of the defendants reside out of the state, or where the residence of any defendant is unknown and can not be ascertained.

In actions brought to establish or set aside a will, where any or all the defendants reside out of the state, or where the residence of any defendant is unknown and can not be ascertained.

In actions brought against a non-resident of this state, or a defendant whose place of residence is unknown and can not be ascertained, or a foreign corporation, having in this state property or debts owing to them, sought to be taken by any of the provisional remedies, or to be appropriated in any way, or a corporation incorporated under the laws of this state which has failed to elect officers or appoint an agent upon whom service of summons can be made, as provided for by section sixty-six of this code, and which has no place of doing business in this state.

In actions which relate to, or the subject of which is, real or personal property in this state, where any defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of the state, or a foreign corporation, or where his place of residence is unknown and can not be ascertained.

And in all actions where the defendant, being a resident of the state, has departed therefrom, or from the county of his residence, with intent to delay or defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with the like intent.

Sno. 2. That original section seventy be and the same is hereby repealed, and this act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 3, 1862.

AN ACT

To amend section two of an act entitled "an act further prescribing the powers and duties of courts of this state and the judges thereof," passed April 5, 1856. Sw. & Cr. 1170.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of an act entitled "an act further prescribing the powers and duties of the courts of this state and the judges thereof," passed April 5th, 1856, be so amended as to read as follows:

Sec. 2. The party plaintiff in any case pending in the court of common pleas, the district or supreme court, excepting cases by petition in error, shall, where no counter-claim or set-off has been filed by the opposite party, have the right, in the vacation of any of said courts, to dismiss his said action, without prejudice, upon payment of costs; which said dismissal shall be by the clerk of any of said courts entered upon the journal, and take effect from and after the date thereof. Dismissal of actions by plaintiff in vacation.

Sno. 2. The said section two of the act to which this is amendatory be and the same is hereby repealed.

Sno. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 3, 1862.

AN ACT

To amend the first section of an act passed March 11th, 1853, "to amend the sixth section of an act entitled 'an act to regulate the election of state and county officers,'" passed May 3, 1852. Sw. & Cr. 542.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act above referred to, passed March 11th, 1853, be so amended as to read as follows:

Section 1. That at all elections to be holden under this act, the trustees of the several townships shall serve as judges, and the clerk of the township and such other person as the judges shall choose shall serve as clerks of the election, who, together with the judges aforesaid, shall receive one dollar and fifty cents each as a compensation for their services at every annual or other election held under the provisions of this act, to be paid out of the treasury of the proper county; Provided, that if an election of district assessor or of a justice of the peace shall be held the same day of any general or Officers to serve at elections.
Compensation
Proviso.

Provided further.
ther.

other election, then said judges and clerks shall each receive two dollars for their services: Provided further, that if two or more poll-books are required to be returned (of an election held at the same time and place), it shall be the duty of one of the judges to return said poll books, and traveling fees shall be allowed and paid only as per return of one poll book; and if there be two boards of judges and clerks conducting said election, the said judges and clerks shall receive only one dollar each for their services.

Sec. 2. That the first section of the act to which this is an amendment be and the same is hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

AN ACT

To regulate the meetings of councils in cities of the first class, exceeding eighty thousand inhabitants, and to repeal sections 1, 12, 14 and 17 of an act passed March 3d, 1860, entitled "an act relating to cities of the first class, having a population exceeding eighty thousand inhabitants."

Who ineligible
to the office of
trustee.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall be eligible to the office of trustee in any ward of any city of the first class having a population exceeding eighty thousand inhabitants, who holds at the same time any other municipal office whatsoever, or is an employee therein, under the government of said city.

Number of
meetings of
council.

Sec. 2. The city council of any city of the first class, having a population of not less than eighty thousand inhabitants, shall not be required to hold more than two meetings in each month, and all meetings shall be held in the day-time. The members of the council or trustees of the wards shall receive no compensation for their services.

Who to receive
no compensation.

Sw. & Or.
1557.

Sec. 3. That sections one, twelve, fourteen and seventeen of the act of March 3, 1860, entitled "an act relating to cities of the first class, having a population exceeding eighty thousand inhabitants, be and the same are hereby repealed."

Sec. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 4, A. D. 1862.

AN ACT

To furnish medicines and hospital stores for sick and wounded Ohio volunteers.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated, from any unexpended

moneys in the treasury, the sum of five thousand dollars, to be expended, under the direction of the governor, in purchasing and forwarding, for the benefit of sick and wounded Ohio volunteers, medicines and hospital stores, and in transporting medical aid and nurses, and bringing home the sick and wounded.

To be expended under direction of governor, for what purpose.

Sec. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 9, 1862.

AN ACT

Making appropriation of the revenues of the national road for its support.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated for superintendence and repairs of the national road for two years, ending February 15, 1864, whatever sums may be collected and paid into the state treasury to the credit of the national road fund during that period.

Appropriation.

Sec. 2. That this act take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 10, 1862.

AN ACT

Supplementary to the act entitled "an act to provide for locating, establishing and constructing ditches, drains, and water courses," passed March 27, 1861.

58 vol. 49.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when a ditch has been constructed by the commissioners of any county in this state, under any law of said state in force at the time of such construction, and a greater amount of money was collected on the tax duplicate of such county than was necessary to defray the fees, costs, expenses, costs of locating and constructing said ditch, and compensation for property appropriated, it shall be lawful for said commissioners, and it is hereby made their duty, to distribute such surplus moneys among the landowners taxed for the construction of said ditch, in such manner as in the judgment of said commissioners will be just and equitable, without reference to the amount of taxes paid by such landowners.

How unexpended taxes collected for constructing ditches to be distributed.

Sec. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 10, 1862.

AN ACT

To change the location of the principal office of insurance companies.

How insurance company may change location of principal office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any insurance company heretofore or hereafter incorporated may, upon a vote in favor thereof of two-thirds in interest of its stockholders, change the location of its principal office to any point within this state, after filing in the office of the secretary of state a certificate, under the seal of such corporation, signed by its president or other proper officer, setting forth the vote of the stockholders, the place from which and the place to which such principal office shall be removed, and the time of such change; and after giving notice of such change by publication, for three consecutive weeks, in some newspaper of general circulation, in the county from which and county to which such principal office shall be removed. Such change of location shall not in any manner affect the rights of the company, nor of any individual or corporation.

SEC. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 10, 1862.

AN ACT

Sw. & Cr.
1235.

To amend an act entitled "an act to authorize counties, townships, cities and incorporated villages to issue bonds in certain cases," passed March 10th, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act be so amended as to read as follows:

May issue bonds equal in amount to bonds now due, or to become due prior to 1867.

Section 1. That it shall be lawful for the commissioners of any county, the trustees of any township, and the council of any city or incorporated village, which may have heretofore, in pursuance of any law, issued bonds, in aid or for purposes of public improvement, and which bonds are now due and unpaid, or may become due on or before the fourth day of January, eighteen hundred and sixty-seven, to issue other bonds, not exceeding in amount the principal of such bonds so due or to become due.

SEC. 2. That the original section one of the above recited act be and the same is hereby repealed; and this act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 10, 1862.

AN ACT

Supplementary to "an act to abolish the office of commissioner of the state land-office at Defiance, to provide for the sale of land to actual settlers at said office, and to create the office of land-agent," passed May 1st, 1854. Sw. & Cr. 194.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any person who shall have purchased lands under the provisions of the act to which this is supplementary, shall enlist or be employed in the actual service of the United States or of the state of Ohio, as a volunteer in the present war or rebellion, before having settled upon said lands; the time of the commencement of his actual residence on the land so entered by him, and of his improvement thereon, shall be extended to eighteen months from the time of his discharge from such service; and if within eighteen months from the time of his discharge, as aforesaid, said purchaser shall prove, to the satisfaction of the auditor of state, the fact of his residence upon such tract, it shall be the duty of the auditor of state to certify the same to the governor, and upon the receipt of such certificate of proof that the said purchaser does actually reside upon his tract so purchased, as aforesaid, it shall be the duty of the governor to issue or cause to be issued and delivered a deed for the tract so purchased, in conformity to the provisions of the act to which this is supplementary: Provided, the provisions of this act shall not extend to any purchaser whose term of eighteen months shall have expired after the time of purchase, and before the time of his being mustered into service, as aforesaid.

As to volunteers in present war, time of commencement of residence extended.

How deed obtained.

Proviso.

Sec. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 10, 1862.

AN ACT

To amend section 524 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853. Sw. & Cr. 1106.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 524 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, be and the same is hereby amended so as to read as follows:

Sec. 524. No proceeding to reverse, vacate or modify any judgment rendered or final order made by a justice of the peace shall operate as a stay of execution, unless the clerk of the court of common pleas shall take a written undertaking to the defendant, executed on the part of the plaintiff in error, by one or more sufficient sureties, to the effect that the plaintiff will pay all the costs which have accrued or may accrue on such proceedings in error, together with the amount of any judgment that may be rendered against such plaintiff in error, either on the further trial of the case, after the judgment of the court below shall have been set aside or reversed, or upon and after the affirmance thereof in the court of common

Stay of execution on judgment of justice of the peace.

The undertaking by plaintiff in error.

Undertaking
when possession of real
property ordered.

pleas. When the judgment or final order of the justice of the peace, sought to be reversed, directs the delivery of possession of real property, the undertaking shall be in such sum as may be prescribed by the court of common pleas, or any judge thereof, or, in his absence, by the probate judge of the county, to the effect that, during the possession of such property by the plaintiff in error, he will not commit, nor suffer to be committed, any waste thereon, and that, if the judgment be affirmed, he will pay the value of the use and occupation of the property from the date of the undertaking until the delivery of the property, pursuant to the judgment, and costs. The person entitled to such proceedings shall have the same time for prosecuting the same, before he is barred, as is provided in the last section, unless the said judgment has been paid off or satisfied prior to the commencement of such proceedings.

Sec. 2. That the original section 524 of the act above named be and the same is hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 1, 1862.

AN ACT

Sw. & Cr.
1613.

To amend an act to provide for the punishment of certain offenses therein named, passed March 11th, 1857, and took effect May 1st, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one (1) of the above recited act be so amended as to read as follows:

Severing and
carrying away
trees and veget-
ables.

Section 1. That if any person or persons shall unlawfully cut down, or shall carry away, any timber or trees, of whatever size, or any poles commonly known as hoop-poles, standing or growing upon the lands of another, or shall dig up or shall carry away, or shall pluck off or shall carry away, any cultivated root, or plant, fruit, or any other vegetable production standing or growing on, or attached to, the lands of another, in such manner that the taking of the same would amount to larceny if severed from the freehold, or if any person or persons shall counsel, advise, instruct or require another or other persons to commit any of the acts above named, with intent in each or any of the aforesaid cases to defraud the owner of the value thereof, or to injure him in his property, such person so offending shall be guilty of larceny, and, on conviction thereof, shall be adjudged to make restitution to the party in twofold the value of the property so taken, cut or carried away, and shall be fined in any sum not exceeding two hundred dollars, or shall be imprisoned in the county jail, in a dungeon or cell thereof, and shall be fed on bread and water only, not exceeding thirty days, and shall be adjudged to pay the costs of prosecution. Any or all of the foregoing punishments may be inflicted, according to the aggravated nature of the offense, at the discretion of the court trying the same.

Penalty and
restitution.

Sec. 2. That said section one of the act to which this is amendatory be and the same is hereby repealed.

Sec 3 This act shall take effect from and after its passage: Provided, that all offenses committed while the section hereby repealed was in force shall be prosecuted and punished thereunder, as if the same were not repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 11, 1862.

AN ACT

To enable manufacturing companies to capitalize their debts by increasing their capital stock and creating preference shares.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any manufacturing company, heretofore or hereafter incorporated under any law of this state, may, for the purpose of capitalizing its debts, only into stock in said company, and upon a vote in favor thereof of at least three-fourths in interest of its stockholders, represented at a meeting called for that purpose by its directors or a majority in interest of its stockholders, upon sixty days' notice given in some newspaper published in the county where the principal office of such corporation is located, or if there be no newspaper printed therein, then in some newspaper printed in this state, and in general circulation in such county, may increase its capital stock to an amount not exceeding its debts at the time of such increase, and may make such increase to consist of shares entitling the holders thereof to a dividend not exceeding six per cent. per annum out of the annual profits of such corporation, in preference to all other stockholders; and all the creditors of such company at the time of such increase shall be entitled to share pro rata therein.

Meeting shall be called for the purpose, and vote taken.

Notice of meeting.

Preference shares.

Sec. 2. That upon such vote of the stockholders being had, as aforesaid, the directors of said company shall give notice, by like publication, to the creditors of said company, of the action of said stockholders, and also by forwarding to each creditor, by mail, a copy of said notice, when the post-office address of said creditor is known to any director of said company, that they may accept of the provisions so made for the capitalization of their claim; and the directors of said company shall prepare and file in the office of the secretary of state a certificate, under the seal of such corporation, and signed by its president or other proper officer, stating the vote of the stockholders, the amount of such increase, the number of preference shares, the amount of each share, and the total of each class of shares, constituting the capital stock—a copy of which certificate, duly authenticated by the secretary of state, under the great seal of the state, shall be evidence in all courts and places of such increase of capital stock, and of due compliance with this act.

Notice to the creditors.

Certificate stating vote, &c., to be filed with secretary of state.

Evidence.

Sec. 3. This act to take effect from its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 11, 1862.

AN ACT

For the appointment of pay agents.

Governor to appoint.	SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio.</i> That the governor of this state be and he hereby is authorized and required to appoint, by and with the advice and consent of the senate, such pay agents as he may deem necessary, not exceeding six in number at any one time in commission, whose duty it shall be to visit the various departments of the army, in company with the paymasters, and obtain from volunteers from this state in the service of the United States allotments of pay and remittances of money for the benefit of their families or friends in Ohio, and to do such other service as the governor may direct: Provided, that any appointment made by the governor, while the senate is not in session, shall be valid until thirty days after it next meets, or shall earlier vote not to concur therein.
Duty of pay agent.	
Proviso.	
Bond.	SEC. 2 Each pay agent, before entering upon the discharge of his duties under this act, shall give bond in the penal sum of ten thousand dollars for the faithful performance of his duties and the payment of all moneys coming into his hands; which bond shall be to the state of Ohio, with surety to the satisfaction of the governor, and be in form approved by the attorney-general.
How governed and paid.	SEC. 3. That the pay agents provided for in this act shall be governed by such regulations as the governor may make, and by such orders and directions as he shall give them, and they may be discharged at any time, at his pleasure. They shall be paid all necessary traveling expenses, and such compensation as the governor shall deem just and proper, not exceeding two dollars for each day's time they are actually employed. Their accounts for expense and compensation shall be certified to the auditor by the governor, and be paid out of the treasury: Provided, that all claims arising under this act shall be sworn to by the agent claiming the same, which claim shall exhibit items of expense and the number of days actually employed, and shall be accompanied by a full and complete report of all doings of each agent for the number of days for which pay shall be claimed, and give a full account of all moneys received by him, showing from whom received and to whom paid or forwarded, and the amount, if any, remaining in his hands, and to whom the same belongs; and no accounts for expense or compensation shall be certified by the governor until such statement is made and sworn to by the person claiming the same.
Claim of agent, how made out.	
Moneys received by agent, how disposed of.	SEC. 4. All moneys received by such pay agents from Ohio volunteers shall be paid into the state treasury, in accordance with the provisions of the law for that purpose, passed February 4th, 1862: Provided that any special remittances by them may be paid over to the party designated by the person making such remittance.
When agent guilty of embezzlement, and how punished.	SEC. 5. If any such agent to whom any money shall be entrusted under the provisions of this act, by any volunteer from this state in the service of the United States, shall convert to his own use, or otherwise unlawfully transfer or dispose of any of such money, contrary to the provisions of this act, he shall be deemed guilty of embezzlement, and, on conviction thereof, be imprisoned in the penitentiary of this state for not less than six months nor more than five years.
Indictment.	SEC. 6. All prosecutions under this act shall be by indictment in the court of common pleas of the county in which such agent so

violating the provisions of this act shall have been a resident at the time of his appointment: Provided, that any neglect or refusal of such agent to pay all moneys by him received into the state treasury, according to the foregoing provisions of this act, shall be considered as evidence of embezzlement in the county in which he shall have been a resident at the time of his appointment.

Sec. 7. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.

JAMES MONROE,
President pro tem. of the Senate.

Passed April 14, 1862.

AN ACT

To fix the salaries of judges of the court of common pleas of Hamilton county, and judges of the superior court of the city of Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the judges of the court of common pleas in the county of Hamilton, hereafter elected or appointed therein, shall receive, in addition to the salaries now paid to them out of the state treasury, the sum of one thousand five hundred dollars per annum, to be paid to them out of the county treasury; and the judges of the superior court of Cincinnati, hereafter elected or appointed therein, shall receive, in addition to the salary now paid to them out of the state treasury, the sum of one thousand five hundred dollars per annum, to be paid to them out of the city treasury, in the same manner and at such times as is provided by law for the payment of the salaries of the judges out of the state treasury: Provided, that if the salaries of judges of the courts should at any time be increased by the state, then the payment out of the county and city treasuries shall be diminished in proportion, so that such judges shall not in any way receive more than three thousand dollars per annum salary.

Salaries of common pleas and superior court judges in Hamilton county.

Sec. 2. And to pay the salaries of the judges of the superior court, the city council shall have power to levy and collect a tax on the real and personal property in said city, as the same has been or shall be appraised and returned on the grand levy of the state.

City council to collect tax to pay said salaries.

Sec. 3. That section three of "an act relating to the powers and duties of the commissioners of Hamilton county," passed April 4, 1861, and section twenty-five of "an act to establish the superior court of Cincinnati," passed April 7th, 1854, be and the same are hereby repealed.

Sw. & Cr. 391.

Sec. 4. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.

JAMES MONROE,
President pro tem. of the Senate.

April 14, 1862.

AN ACT

For the relief of sick and wounded soldiers of the state of Ohio.

Preamble.

WHEREAS, There are now a large number of our sick and wounded soldiers demanding prompt and efficient assistance and care; and

WHEREAS, Every necessary preparation is being made to afford such care and assistance by the citizens of Cincinnati, and that branch of the United States sanitary commission requiring only pecuniary aid; therefore,

Governor may contribute out of his contingent fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be and he is her-by authorized, in his discretion, to contribute out of his contingent fund, to the branch of the United States sanitary commission in Cincinnati any sum of money not exceeding three thousand dollars, to be applied to the relief of the wounded and sick soldiers of the state of Ohio, in such manner as he may deem expedient.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 15, 1862.

AN ACT

Sw. & Cr.
1091.

Amending section 473 of the code of civil procedure, relative to contempts, and to repeal said original section.

Disobedience
of order how
punished.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 473 of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, and took effect June [July] 1, 1853, be so amended as to read as follows: If any person, party or witness disobey an order of the judge or referee, duly served, such person, party or witness may be punished by the judge or referee as for a contempt; and such judge or referee shall have power to enforce order, and punish for contempts, in like manner as justices of the peace are now authorized by law to do. And said original section 473 is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 16, 1862.

AN ACT

Fixing the salaries of the members of the board of public works.

Salary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That each member of the board of public works, hereafter

elected, shall be entitled to receive as compensation for his services, annually, five hundred dollars, and no more, in form of traveling expenses or otherwise, which salary shall be payable in equal installments, at the state treasury, on the second Monday of May, second Monday of August, second Monday of November, and the second Monday of February.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 16, 1862.

AN ACT

To amend section one of an act entitled "an act regulating the payment of costs in prosecutions for minor offenses," passed March 10, 1860. Sw. & Cr. 821.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act regulating the payment of costs in prosecutions for minor offenses," passed March 10, 1860, be and the same is hereby so amended as to read as follows:

Section 1. That no costs taxed by any justice of the peace, police judge, or mayor of any city or incorporated village in this state, in any prosecution hereafter commenced before such justice of the peace, police judge or mayor, for any offense the punishment whereof is less than imprisonment in the penitentiary, or for any of the offenses defined by the seventeenth section of an act entitled "an act providing for the punishment of crimes," passed March 7, 1835, shall be paid out of the county treasury, unless an information shall be filed, or a bill of indictment shall be found in the proper court, against the person or persons charged with such offense.

When costs
not to be paid
by county.

Sec. 2. That said original section one of the above entitled act be and the same is hereby repealed

Sw. & Cr. 487.

Sec. 3. That this act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 16, 1862.

AN ACT

To amend section 19 of the act passed April 7th, 1856, entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane." Sw. & Cr. 842.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 19 of the act entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 7th, 1856, be amended so as to read as follows: Sec. 19. Each county

Patients.

—maintained
at expense of
the state.

shall be entitled to send patients to the asylum of the district in which the county is situated, in proportion to the white population of such county, as ascertained by the last census taken preceding such application. No person who has been or may hereafter be returned from either asylum as incurable, or who has been insane more than two years last past, shall be admitted into either asylum, except when the asylums are not filled to their capacity with other patients. No idiot shall be admitted into any asylum; and no lunatic under the age of seven years shall be admitted. No person shall be admitted into either of the asylums belonging to the state except he or she is a citizen of Ohio, and an inhabitant of the district in which the asylum admitting him or her is located; and no person shall be considered an inhabitant within the meaning of this act, who has not resided in the state one year next preceding the date of his or her application; and no person shall be entitled to the benefit of the provisions of this act except persons whose insanity or lunacy has occurred during the time such persons shall have resided in this state. All persons who have been or may hereafter be admitted into either of the asylums belonging to the state, shall be maintained therein at the expense of the state.

Sec. 2. That section nineteen of the said original act be and the same is hereby repealed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 16, 1862.

AN ACT

Sw. & Cr. 502.

To amend an act entitled "an act regulating descents and the distribution of personal estates," passed March 14, 1853, and the several acts amendatory thereof.

When estate
to pass to
husband or
wife.

—when to
next of kin of
intestate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of an act entitled "an act regulating descents and [the] distribution of personal estates," passed March 14, 1853, be amended and changed so as to read as follows; Sec. 3. When any person shall die intestate, having title or right to any real estate or inheritance as provided in the first section of this act, and shall leave husband or wife, relict of himself or herself, and there shall be no person who, under the provisions of that section, would be entitled to inherit the same, or an estate therein, save and except such husband or wife, relict of such intestate, then the estate shall pass to and vest in the husband or wife, relict of the intestate, as an estate of inheritance; and if there be no such person, and no husband or wife, relict of the intestate, then the estate shall pass to and vest in the next of kin of the intestate, though not of the blood of the ancestor from whom the estate came. And when any person shall die intestate, having title or right to any real estate or inheritance, whether by descent, devise, or deed of gift from any ancestor, or acquired, and there shall be no person entitled to inherit the same under the first or second sections of this act, or as

hereinbefore provided, then the estate shall pass to and vest in the children of any deceased husband or husbands, wife or wives, of the intestate, whose marriage with the intestate shall not have been annulled prior to his, her, or their death, or their legal representatives; if there be no children, nor their legal representatives, living, then the estate shall pass to the brothers and sisters of any such husband or wife, or their legal representatives; if there be no brothers or sisters, nor their legal representatives, the estate shall pass to the next of kin of such intestate; and if there be none such, then the estate shall escheat and be vested in the state of Ohio.

—when to children of former husband or wife, etc.

—and when to escheat.

Sec. 2. That the 4th section of the act aforesaid be so amended and altered as to read as follows: Sect. 4. If any person shall die intestate, leaving any goods, chattels, or other personal estate, such goods, chattels, or other personal estate, shall be distributed agreeably to the foregoing course, prescribed in the second and third sections of this act, as to real estate which came not by descent, devise, or deed of gift from any ancestor, saving, however, such right as any widow may have to any portion of such personal estate: Provided, that if there shall be no person living entitled to inherit the same by the provisions of this act, such goods, chattels, or other personal estate, shall pass to and be vested in the state of Ohio; and it shall be and is hereby made the duty of the prosecuting attorney of the county in which letters of administration were or may be granted upon such estate, to collect the same and pay it over to the treasurer of such county, to be applied exclusively to the support of common schools of the county in which the estate may be so collected, in such manner as may be prescribed by law.

Distribution of personal estate.

Duty of prosecuting attorney.

Sec. 3. That the 19th section of the act aforesaid be so amended and altered as to read as follows: Sec. 19. Descendants of the intestate begotten before his or her death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate, and had survived him or her; but in no other case shall any person inherit, unless living at the time of the death of the intestate.

Descendants of intestate born after his death to inherit.

Sec. 4. That the provisions of this act as to the cases in which real or personal estate shall escheat to the state of Ohio, shall apply to any such estate of which possession shall not have been taken, or which shall not have been collected by the proper officers of the state, or those acting under their authority; and any right or claim of the state thereto shall be and is hereby relinquished to the person or persons who would have been entitled thereto, had this act been in force at the time of the death of the intestate.

Relinquishment of certain escheated property.

Sec. 5. That the third, fourth and nineteenth sections of the act entitled "an act regulating descents and [the] distribution of personal estates," passed the 14th day of March, 1853, be and the same are hereby repealed.

Sections repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 16, 1862.

AN ACT

To repeal certain acts therein named providing for the election of additional common pleas judges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled an "act authorizing the election of one additional judge of the court of common pleas in the first subdivision of the fourth judicial district of Ohio," passed April 13, 1854; also the act entitled "an act to create one additional judge of the court of common pleas in the fourth judicial district of Ohio," passed April 12, 1858; also the act entitled "an act to authorize the election of one additional judge of the court of common pleas in the second subdivision of the fifth judicial district," passed April 12, 1858; also the act entitled "an act authorizing the election of one additional judge of the court of common pleas in the sixth judicial district of Ohio," passed April 8, 1858; also the act entitled "an act to authorize the election of an additional judge of the court of common pleas of the eighth judicial district," passed April 12, 1858; also the act entitled "an act to authorize the election of one additional judge of the court of common pleas in the first subdivision of the ninth judicial district," passed April 8, 1858; also the act entitled "an act to provide for the election of an additional judge of the court of common pleas for the first subdivision of the second judicial district," passed April 2, 1859, be and the same are hereby repealed.

Present incumbents not affected.

SEC. 2. That nothing in this act shall be construed to affect in any wise the present incumbents, elected by virtue of any of the said acts hereby repealed, either in their compensation, powers, duties or obligations, or in any otherwise for and during the terms of office for which said judges were severally elected.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 16, 1862.

AN ACT

To provide for the assumption, assessment, collection and payment of the State's quota of the direct tax levied by the congress of the United States.

Preamble,

WHEREAS, By the act of the congress of the United States, "to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved by the president August 5, 1861, a direct tax of twenty million dollars is annually laid upon the United States, to be assessed upon and collected from real estate, as in the said act provided, of which direct tax one million five hundred and sixty-seven thousand eighty-nine and one-third dollars is apportioned to this state as her quota or proportion; and

WHEREAS, It is provided in the said act that any state may lawfully assume, assess, collect and pay into the treasury of the United States her quota of said tax in her own way and manner, by and

through her officers, assessors and collectors, and that any such state which shall give notice to the secretary of the treasury of the United States, on or before the second Tuesday in February, and in each succeeding year thereafter, of her intention to assume and pay, or to assess, collect and pay said tax, shall be entitled to a deduction of fifteen per centum on so much of her quota of said tax as shall have been paid into said treasury on or before the last day of June in the year to which the payment relates, and a deduction of ten per centum on such portion of the same as shall have been paid into said treasury on or before the last day of September in the same year, which deductions are to be in lieu of the costs and fees of collection; and

WHEREAS, It is further provided in said act of congress, that, for the purpose of assessing and collecting said tax, it shall be lawful for the state to use the last or any subsequent valuation, list or appraisal made by state authority for the purpose of state taxation, and to make any laws or regulations for these purposes; and

WHEREAS, By joint resolution of this general assembly, the auditor of state has been authorized to give to the secretary of the treasury of the United States the notice aforesaid, on behalf of this state;

Therefore, for the purpose of carrying out the aforesaid provisions of the said act of congress, so far as the same relates to this state, and in pursuance of the authority of the said act,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby levied on each dollar of all property, credits and effects (including those of banking institutions), subject to taxation in this state for any purpose, as the same shall be valued and entered on the grand duplicate of the several counties for the year eighteen hundred and sixty-two, and for each year thereafter, during the time the said act of congress shall continue in force, a tax of one mill and three-fourths; and it shall be the duty of each county auditor to enter and charge the said levy on the duplicate of his county in the same manner as other taxes upon real and chattel property are entered and charged thereon, and the tax so entered and charged shall be collected as other taxes upon such duplicate are collected; and it shall be the duty of the auditor of state, in each year, to give notice to the several county auditors of the aforesaid levy at the time when he shall notify them of the levies of the year for state purposes.

State levy.

County auditors to place levy on duplicate.

Notice from state auditor.

SEC. 2. The auditor of state is hereby authorized and required, on or before the first Monday in June and the first Monday in December of each year, to ascertain, as near as may be practicable, the amount of the tax levied by the act of congress aforesaid, and provided for in this act, that will be paid into the state treasury by each county treasurer at the next semi-annual settlement with the auditor of state, and shall thereupon draw his draft or drafts, in favor of the treasurer of state, on each county treasurer for such amount, which drafts shall be countersigned by the comptroller, and charged to the treasurer of state, and shall be paid by the several county treasurers respectively, on presentation thereof, to the extent of the taxes which at the time of presentation they shall have collected. And the auditor of state is hereby authorized and required, upon the collection of said drafts, or taxes, or part thereof, to draw his warrant on the treasurer of state therefor, and to receive

Duties of auditor of state.

May use other moneys.

Appropriation.

Duty of auditor of state when other or greater direct tax levied.

Also duty of county auditor.

This act to extend to future levies by congress.

Notice from auditor of state to secretary of the treasury.

and transmit the same to the treasury of the United States, until he shall have paid into said treasury the full amount required to discharge this state's quota of said national tax. Should the auditor of state deem it necessary, in order to enable him to pay this state's quota of said tax into the treasury of the United States at the time required, so as to entitle the state to the deduction allowed by the act of congress, he is hereby authorized to use for that purpose any surplus of general revenue that may be in the state treasury over immediate demands against the same, and any moneys that may be due from the United States to this state on account of expenditures for military purposes, until the said taxes shall have been collected and paid into the state treasury; and for the payment of said taxes for the year eighteen hundred and sixty-two there is hereby appropriated the sum of one million three hundred and thirty-eight thousand seven hundred dollars, including the moneys that may be found due from the United States to this state, as aforesaid.

SEC. 3. In case any other or greater direct tax than that mentioned in the preamble to this act, charged in whole or in part upon real estate, and apportioned among the several states, shall at any time hereafter be levied or authorized by the congress of the United States, the auditor of state shall, upon ascertaining this state's proportion or quota thereof, determine the rate of taxation on the grand duplicate of the state necessary to produce the same, and shall notify the several county auditors of such rate of taxation; and thereupon the said several county auditors shall assess and charge the same against each entry of real and personal property, credits and effects, including those of banking institutions, upon the duplicate of their respective counties for the proper year; and the taxes so assessed and charged shall be collected as other taxes on said duplicate. The several provisions of this act, so far as applicable thereto, shall be in full force and effect for the assessment, collection and payment into the treasury of the United States of this state's proportion or quota of any and all such direct taxes as are mentioned in this section, that may be levied by any act of the congress of the United States, or under the authority thereof, as well as to the assessment, collection and payment of the taxes herein specifically provided for.

SEC. 4. It shall be the duty of the auditor of state, annually, on or before the second Tuesday of February, to give notice to the secretary of the treasury of the United States that it is the intention of this state to assume, assess, collect and pay into the treasury of the United States the direct tax imposed by the act of congress aforesaid; and he shall give the like notice in case any other tax shall be imposed as provided in the third section of this act, which notice shall conform, in the time and manner of giving the same, to the requirements of the act imposing such additional tax.

SEC. 5. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed April 16, 1862.

AN ACT

To amend section number one hundred and two of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852. Sw. & Cr. 1525.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and two of the above recited act be so amended as to read as follows:

Section 102. All by-laws or ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signatures of the presiding officer of the council and the clerk; and all by-laws of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in some newspaper of general circulation in the municipal corporations. Or in villages other than county-seats, containing less than one thousand inhabitants, publication may be made by posting up written copies of such by-laws or ordinances at not less than five of the most public places in such municipal corporations, and for a period of not less than fifteen days prior to the taking effect of any such by-laws or ordinances; and it shall be deemed a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made. Recording and publishing by-laws and ordinances.

SEC. 2. That original section number one hundred and two of the above recited act be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 18, 1862.

AN ACT

To enable the wife of an insane person to release her dower in the real estate of her husband.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any action or proceeding in any probate court, or court of record, for the sale of real estate of any idiot, lunatic or insane person, who shall have been declared to be such by inquest according to law, the wife of such idiot, lunatic or insane person may be made a party defendant thereto. And if such wife shall file her answer in such action or proceeding, consenting to the sale of such real estate free, and discharged of all her right and expectancy of dower therein, the court may authorize such sale, and such wife shall be held to have forever relinquished all her right and expectancy of dower in the real estate so sold. And unless such wife shall in such answer waive any allowance in lieu of her right and expectancy of dower, the court shall allow her, out of the proceeds of such sale, such sum in money as the court may deem the just and reasonable value of her said interest therein. In proceedings to sell lands of lunatic, etc., how right of dower released.

SEC. 2. This act shall take effect on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 18, 1862.

AN ACT

To regulate the compensation of sheriffs for keeping and providing for prisoners in jail.

Compensation not exceeding thirty cents per day.

County commissioners to fix price at June session.

Sw. & Cr. 635.

Proviso.

57 vol. 40.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sheriffs of the several counties in the state shall hereafter be allowed such compensation as the county commissioners shall from time to time allow, not exceeding thirty cents per day for keeping and providing for prisoners in jail as required by the eleventh section of the act for the regulation of county jails, passed March 13, 1843. And it is made the duty of the county commissioners annually, at their June session, to review and fix the price for the keeping and providing for said prisoners, and cause the same to be entered upon the record of their proceedings.

SEC. 2. The "act to regulate the compensation of sheriffs for keeping and providing for prisoners in jail," passed April 16, 1857, is hereby repealed, and this act shall take effect on its passage: Provided, that nothing in this act shall be construed to impair the validity of an act passed March 16, 1860, entitled "an act supplementary to the act for the regulation of county jails," passed March 13, 1843.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 19, 1862.

AN ACT

Supplementary to "an act for the assessment and taxation of property in this State, and for levying taxes thereon according to its true value in money," passed April 5, 1859.

Notice of sale of forfeited lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the notice of the sale of lands forfeited to the state for the non-payment of taxes, prescribed in section one hundred and one of the "act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5th, 1859, shall be in substance as follows, that is to say:

FORFEITED LAND SALE.

The lands, lots and parts of lots in the county of ———, forfeited to the state for the non-payment of taxes, together with the taxes and penalty charged thereon agreeably to law, are contained and described in the following list, viz:

(Here insert the list.)

And notice is hereby given, to all concerned, that if the tax and penalties charged on said list be not paid into the county treasury, and the treasurer's receipt produced therefor, before the second Monday in December next, each tract, lot and part of lot so delinquent as aforesaid, on which the taxes and penalties remain unpaid, will, on the second Monday in December next, be exposed for sale at the court house (or usual place of holding courts, if not at a court house)

in said county, in order to satisfy such taxes and penalties, and that said sale will be adjourned from day to day until each and every tract, lot and part of lot of land specified in said list shall have been disposed of, or offered for sale.

(Date of notice.)

_____, County Auditor.

The said notice of sale shall be advertised four weeks successively.

Sec. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed April 19, 1862.

AN ACT

To amend sections one, two, three and four of an act entitled "an act to provide for the completion of the state house, and for the care of the buildings and grounds, and to repeal certain acts therein named," passed March 16, 1860, and to repeal an act entitled "an act to repeal an act entitled an act to repeal section one of an act therein named," passed April 19, 1861.

57 vol. 36.

58 vol. 94.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 2, 3 and 4 of the above recited act be amended so as to read as follows: Section 1. That there shall be appointed by the governor, with the consent of the senate, a superintendent of the state house, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified. In case of a vacancy in said office during the recess of the general assembly, the same shall be filled by appointment by the governor, who shall, within ten days after the general assembly shall next meet, appoint, in the manner originally provided, a successor for such unexpired term. The salary of such superintendent shall be eight hundred dollars yearly, in quarterly payments, to be drawn from the treasury on the warrant of the auditor of state.

Governor to
appoint super-
intendent.

Salary.

Sec. 2. The superintendent shall have the supervision and control of the state house, the grounds and appurtenances thereto attached, and of all the works performed upon, and materials furnished for the same, including the heating apparatus in the state house, materials and hands employed in and about the same; and he shall also have charge of the tract of land in Franklin county, purchased by the state for a quarry. Every contract for such work and materials shall be in writing, signed on behalf of the state by the superintendent; a copy thereof shall be deposited in the office of the secretary of state, within ten days after the same shall be executed; and no contract shall exceed the amount appropriated by law applicable to such purpose. The superintendent shall, annually, before the fifteenth day of December, make a report of his proceedings to the governor, who shall lay the same before the general assembly. The said superintendent shall keep the said state house building, and the grounds and appurtenances thereto attached, constantly watched, protected, and in order; and he shall prepare the legislative halls for the reception of the general assembly at the commencement of each regular and extra session.

Powers and
duties of su-
perintendent.

Penalty for injury to building or appurtenances.

Sec. 3 If any person shall wilfully or maliciously injure or deface, in any manner, any portion of the state house building, its fixtures, furniture, or appurtenances, or shall commit any nuisance therein, or shall purposely commit any injurious trespass upon the grounds attached thereto, or shall wilfully injure any tree, shrub, or plant, growing upon said grounds, or any fixture placed thereon, or any inclosure or sidewalk about the same, such person shall, upon conviction thereof, be fined in any sum not less than five dollars, nor more than five hundred dollars, or be imprisoned in the jail of Franklin county not less than one day, nor more than six months, or both, at the discretion of the court, and shall, moreover, be liable to the state of Ohio in double the amount of the injury done. The said superintendent shall have the power and authority of a constable, as to the arrest of all persons guilty of the offenses above described; and all the prosecutions for said offenses shall be conducted in the same manner, and before the same courts, as other offenses committed within the city of Columbus, the punishment whereof may be less than imprisonment in the penitentiary.

Record of his proceedings, etc.

Sec. 4. The said superintendent shall keep a full and complete record of all his proceedings, and of all contracts by him made, together with all accounts by him certified for payment, and shall, in conformity with any such contract, certify such accounts to the auditor of state, from time to time, as payment thereon shall become due.

Statutes repealed.

Sec. 2. That sections one, two, three and four, of the act entitled "an act to provide for the completion of the state house, and for the care of the buildings and grounds, and to repeal certain acts therein named," passed March 16, 1860; and also an act entitled "an act to amend section one of an act therein named," passed April 19, 1861, be and the same are hereby repealed.

Sec. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 21, 1862.

AN ACT

Sw. & Cr. 335.

To repeal an act entitled "an act to amend the act to provide for the regulation of turnpike companies," passed January 7, 1817, passed and took effect March 10, 1836, and to extend the provisions of section 41 of the act of May 1st, 1852.

Provisions of section 41 (Sw. & Cr. 297) extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to amend the act to provide for the regulation of turnpike companies," passed January 7, 1817, passed and took effect March 10, 1836, be and the same is hereby repealed.

Sec. 2. That the provisions of section forty-one of an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May first, eighteen hundred and fifty two, be and hereby are extended to and shall have as full force upon turnpike roads incorporated prior to the passage of said act of May first, eighteen hundred and fifty-two, as said section has upon turnpike roads incorporated under said last named act.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.

JAMES MONROE,
President pro tem. of the Senate.

April 21, 1862.

AN ACT

Supplementary to the act entitled "an act for the distribution and investment of this state's proportion of the surplus revenue," passed March 28, 1837.

WHEREAS, There is a balance due the state under the act aforesaid, from the following counties, viz: Butler, Carroll, Champaign, Clark, Coshocton, Darke, Delaware, Fayette, Guernsey, Hancock, Henry, Highland, Lake, Licking, Logan, Madison, Miami, Monroe, Muskingum, Perry, Richland, Scioto, Seneca, Stark, Tuscarawas, Warren and Washington, all of which received from the state a part of the surplus revenue agreeably to the provisions of the act entitled "an act for the distribution of this state's proportion of the surplus revenue," passed March 28, 1837; and,

Preamble.

WHEREAS, It is provided by the eleventh section of said act that "each county receiving any part of this fund shall be held bound to the state for the amount received and not repaid;" therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the county commissioners, in each of the counties named above, at their June session, 1862, and at their annual meeting in June in each year thereafter, to assess upon the grand levy of their county one-fourth of one mill upon the dollar of valuation. to be applied exclusively to the payment of the amount due from such county, and the interest accrued and to accrue thereon, until said indebtedness shall be thereby fully paid and satisfied; provided, if in the first, or any subsequent year, a less rate in any county will be sufficient to discharge the indebtedness of such county, such rate only shall be assessed in any such county as shall be sufficient for that purpose.

Commissioners of said counties to levy tax to pay said balance.

Proviso.

Sec. 2. The county auditor of each county so indebted shall cause the assessment made by the commissioners thereof to be entered upon the duplicate of such county, and the same shall be collected by the treasurer of such county in the same manner that the taxes charged upon the duplicate of such county for state and county purposes are collected, and shall be paid to the treasurer of state in the time and manner the taxes collected in such county are or may be required to be paid by law. The auditor of state shall credit such county with the amount paid, and apply the same, first to pay the interest due from such county on account of said surplus revenue, and the balance on the principal.

Duty of county auditor.

—of treasurer.

—auditor of state.

Sec. 3. It shall be the duty of the auditor of state to transmit immediately a copy of this act to the auditor of each county so indebted as aforesaid, and the county auditor of each of said counties, within six days after the June session of the commissioners, in the year eighteen hundred and sixty two, and within six days after the

Further duty of county auditor.

—of auditor of state.

—of county treasurer.

County may pay in certificates of state funded debt.

Duty of county fund commissioners, etc.

Payments to be credited to sinking fund.

Penalties for neglect of duty.

adjournment of the county commissioners in June of each year thereafter, if any part of said indebtedness then remain unpaid from said county, to notify the auditor of state of the amount of assessment made by the county commissioners of such county in pursuance of this act; and in default of such notice, the auditor of state shall immediately direct the auditor of the county so in default, the rate of assessment to be entered upon his duplicate, not exceeding one-fourth of one mill in any one year; and the said county auditor shall enter the same upon the duplicate of such county, in the same manner he is required to do when the assessment is made by the county commissioners, and the assessment so made shall be collected by the treasurer of such county and paid over to the treasurer of state as hereinbefore provided.

SEC. 4. Any county so indebted on account of the surplus revenue may pay and discharge the whole, or any part thereof, by delivering to the treasurer of state the certificate of any portion of the funded debt of this state at par. Such certificate shall be by the treasurer of state delivered to the auditor of state, who shall cancel the same, and credit the county with the amount thereof and any interest due thereon.

SEC. 5. The fund commissioners of any county so indebted on account of the surplus revenue, shall immediately deliver to the county commissioners of their county all securities and demands held by such fund commissioners on account of such surplus revenue. And the county commissioners are hereby authorized to sue for, collect, compound, and discharge the same, upon such terms as they shall deem best for the interests of such county; no compensation shall be allowed said fund commissioners for such transfer and delivery, and the county commissioners shall be entitled to no compensation for collecting, settling, compounding and discharging the same, other than the actual expenses incurred and paid in so doing. All moneys realized from any such securities and demands shall be paid to the treasurer of the county, to be by him paid to the treasurer of state, if such county shall then be indebted to the state. If not so indebted, or the moneys so collected exceed the same, then the moneys so collected, or the balance thereof, as the case may be, shall be charged to the treasurer of said county, and paid out by him as the proper moneys of the county. No compensation shall be allowed the county treasurer for any service required of him by this section.

SEC. 6. All moneys and certificates of the funded debt of this state paid into the treasury of state in pursuance of this act, shall be credited to the sinking fund, and such certificates shall be charged thereto in the same manner as if redeemed with said sinking fund.

SEC. 7. Any county commissioner, county auditor, county treasurer, auditor or treasurer of state, who shall neglect or refuse to perform any duty required of him by this act, or shall improperly convert or use any moneys, securities, demands or certificate received by him as aforesaid, shall be liable to all the penalties now provided for a violation of any of the provisions of the law for the assessment, collection, safe-keeping and disbursement of the taxes and proper moneys of the state or county.

SEC. 8. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 23, 1862.

AN ACT

Supplementary to and to amend an act entitled "an act to provide for the appointment of trustees to minors residing out of this state and having property in the same," passed March 19th, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6 of the above entitled act be amended so as to read as follows: Section 6. All moneys due to such minors in the hands of such trustees shall, during the minority of such minor, be paid over to the foreign guardian of such minor, or, in case of the decease of such minor during his or her minority, to the administrator or other legal representative of such minor: provided, that the court which appointed such trustee shall have satisfactory proof of the authority of such guardian, or administrator, or other legal representative, to receive the moneys or estate of such minor, and that the security given by such guardian, or administrator, or other legal representative, is sufficient to protect the interest of such minor, or his or her estate, and shall, moreover, deem it best for the minor, or his or her estate, and shall so order accordingly.

Trustees to pay over money to foreign guardian, etc.

Proviso.

SEC. 2. When any foreign guardian of such minor shall apply to have all or any of the moneys in the hands of such trustee paid over to him, he shall file his petition, or motion, to that effect, in the court by which such trustee was appointed, and shall give such notice to the trustee of the time of hearing thereon, as the court shall direct; and upon the hearing thereof, the court shall make such order as, under all the circumstances, it shall deem for the best interests of such minor.

Proceedings by foreign guardian to collect moneys from trustee.

SEC. 3. The probate court of any county in this state shall have concurrent jurisdiction with the court of common pleas in the appointment of such trustee.

Jurisdiction.

SEC. 4. When any money of such minor may be in the hands of such trustee, and not likely to be needed for the support and education of such minor, said trustee shall loan the same in the same manner as guardians, by the laws of this state, are required to loan the moneys of their wards.

Trustee may loan money of minor.

SEC. 5. Original section 6 is hereby repealed. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 23, 1862.

AN ACT

To amend section 34 of an act entitled "an act to provide for the organization, supervision and maintenance of common schools," passed March 14, 1853. Sw. & Cr. 1358.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 34 of an act entitled "an act to provide for the organization, supervision and maintenance of common schools" passed March 14, 1853, be and the same is hereby amended so

Clerk of the board—how elected; his duties.

Duty of treasurer of city or town.

as to read as follows: Sec. 34. That it is hereby made the duty of said board of education of such city or incorporated village, at their first annual meeting, to elect from their own number a clerk or recorder; and the person receiving a majority of all the votes cast, shall be declared elected for one year therefrom, or during the pleasure of said board, and he shall do and perform all the duties required of the clerk of a township board of education, and such other duties as the board of education may from time to time prescribe, and all orders of the board of education, for the payment of money, shall be countersigned by the clerk or recorder of said board. And it shall be the duty of the treasurer of such city or incorporated village, to receive and disburse the school funds of such city or village, in the same manner as is required of the township treasurers in their respective townships, and for his services shall be entitled to the same compensation: Provided, that the board of education shall require the treasurer to enter into a bond as required of township treasurers, and that the said treasurer shall furnish the auditor a certificate from the clerk or recorder of such city or incorporated village, that such treasurer has executed and deposited such bond—stating also the amount, as is required of township treasurers in similar cases.

Sec. 2 That original section 34 of said act passed March 14, 1863, be and the same is hereby repealed.

Sec. 3 This act to take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 23, 1862.

AN ACT

Supplementary to "an act to provide for the defense of the state and for the support of the federal government against rebellion," passed April 18, 1861.

Settlement and payment of claims for purchase of arms and equipments.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all accounts and claims for the purchase of arms and equipments for the militia of the state, under authority of the first section of the "act to provide for the defense of the state, and for the support of the federal government against rebellion," passed April 18, 1861, and all accounts and claims for the purchase of arms and equipments for the use of the troops of the United States, under authority of the governor, be examined, audited, allowed and paid in the manner prescribed in said section; and for the payment thereof, there is hereby appropriated, in addition to the sum appropriated by the said first section, any unexpended balance of which may be used for the purpose aforesaid, the further sum of one hundred and fifty thousand dollars of the money refunded by the United States on account of military expenditures by this state. The payments already made on said purchases from said money refunded from the United States, are included in and a part of said one hundred and fifty thousand dollars of the same hereby appropriated.

Sec. 2. All accounts of proper expenditures for military purposes, whether for the militia or volunteers in the service of the state or of the United States, made under the authority of the governor since the 15th day of April, 1861, shall be examined, audited, allowed and paid in the same manner as if the appropriations heretofore made had been sufficient for the payment thereof; and to supply the deficiency in the previous appropriation, there is hereby appropriated, for the payment of the said accounts, the sum of five hundred thousand dollars of the money refunded by the United States, including that already paid on such accounts.

Other accounts.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 23, 1862.

AN ACT

To amend section three of an act entitled "an act for the relief of jurors in certain cases." (Passed and took effect March 16, 1839.)

Sw. & Cr. 757.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of an act entitled "an act for the relief of jurors in certain cases," be so amended as to read as follows:

Sec. 3. That it shall be the duty of the clerk of each court in this state, whether the county orders thereof be redeemed as mentioned in the first section or not, to furnish the auditor of his county, within twenty days after the adjournment of each term of such court, a correct statement of the number of civil jury cases tried at that term, which statement shall be filed in the office of such auditor, and who shall charge the sheriff, in a book to be provided for that purpose, six dollars for each case so tried, and shall credit such sheriff with the jury fees when paid into the treasury, or when he may have paid the same, as prescribed in the first section of this act.

Clerk to furnish auditor statement of cases tried by jury.

Auditor to charge sheriff with jury fees.

Sec. 2. That said original section three, of the act to which this is an amendment, be and the same is hereby repealed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 25, 1862.

AN ACT

To prevent the publication and circulation of obscene advertisements and books.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person shall, by printing, writing, or in any other way, publish an account or description of any drug, medicine, instrument, or apparatus, for the purpose of preventing conception, procuring abortion, or miscarriage, or shall, by writing or printing, in any circular, newspaper, pamphlet, or book, or in any other way publish or circulate any obscene notice, or shall within the state of Ohio keep for sale or for gratuitous distribution, any newspaper, cir-

Publishing, etc, obscene advertisements, etc.

—and keeping
for sale medi-
cines, etc., to
procure abor-
tion, etc.

Proviso.

cular, pamphlet, or book, containing such notice of such drugs, medicines, instruments, or apparatus, or shall keep for sale any secret nostrum, drug, or medicine, for the purpose of preventing conception, procuring abortion, or miscarriage, such person so violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding six months, or both, at the discretion of the court: Provided, that nothing in this act shall be so construed as to affect teaching in regularly chartered medical colleges, or the publication of standard medical books.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 25, 1862.

AN ACT

Supplementary to "an act to incorporate the State Bank of Ohio, and other Banking Companies," passed February 24, 1845.

Receiver may
be removed,

—and another
appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any receiver of the assets of an insolvent banking company, who has been, or who may be hereafter appointed under the provisions of "an act to incorporate the State Bank of Ohio, and other banking companies," passed February 24, 1845, may at any time be removed from said trust by the authority appointing the same, for incompetency, dishonesty, or failure, or neglect to discharge his duties. And in case of such removal, another receiver shall be appointed in the same manner, and by the same authority, that the receiver so removed may have been appointed.

SEC. 2. This act shall take effect and be in force on its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 25, 1862.

AN ACT

To apportion the state of Ohio into congressional districts.

Nineteen dis-
tricts.

First district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the state of Ohio shall be divided into nineteen districts, for the election of representatives to congress, and each district shall choose one representative in the manner following, to wit:

The first, second, third, fourth, fifth, seventh, ninth, tenth, eleventh, thirteenth, and seventeenth wards of the city of Cincinnati, as they are now constituted, and the townships of Anderson, Columbia, Spencer, Symmes and Sycamore, the corporation of Reading, and the northeast and southeast precincts of Mill Creek township, shall compose the first district.

The sixth, eighth, twelfth, fourteenth, fifteenth and sixteenth wards of the city of Cincinnati, as they are now constituted, and the townships of Springfield, Colerain, Greene, Storrs, Delhi, Miami, Whitewater, Harrison and Crosby, the corporations of Harrison, Clifton and Glendale, as they are now constituted, and the Western, Corryville and Lick Run precincts of Mill Creek township, shall compose the second district. Second.

The counties of Montgomery, Preble, Butler and Warren, shall compose the third district. Third.

The counties of Darke, Shelby, Logan, Champaign and Miami, shall compose the fourth district. Fourth.

The counties of Van Wert, Mercer, Allen, Auglaize, Hardin, Hancock and Wyandot, shall compose the fifth district. Fifth.

The counties of Clermont, Brown, Highland, Clinton and Fayette, shall compose the sixth district. Sixth.

The counties of Greene, Clark, Madison and Franklin, shall compose the seventh district. Seventh.

The counties of Union, Delaware, Marion, Morrow and Richland, shall compose the eighth district. Eighth.

The counties of Crawford, Huron, Seneca, Erie, Sandusky and Ottawa, shall compose the ninth district. Ninth.

The counties of Wood, Putnam, Henry, Lucas, Paulding, Defiance, Fulton and Williams, shall compose the tenth district. Tenth.

The counties of Adams, Scioto, Lawrence, Gallia, Jackson and Vinton, shall compose the eleventh district. Eleventh.

The counties of Pike, Ross, Hocking, Pickaway, Fairfield and Perry, shall compose the twelfth district. Twelfth.

The counties of Licking, Muskingum, Coshocton and Knox, shall compose the thirteenth district. Thirteenth.

The counties of Holmes, Ashland, Wayne, Medina and Lorain, shall compose the fourteenth district. Fourteenth.

The counties of Meigs, Athens, Washington, Morgan and Monroe, shall compose the fifteenth district. Fifteenth.

The counties of Guernsey, Belmont, Noble, Harrison and Tuscarawas, shall compose [the] sixteenth district. Sixteenth.

The counties of Jefferson, Carroll, Columbiana and Stark, shall compose the seventeenth district. Seventeenth.

The counties of Cuyahoga, Summit and Lake, shall compose the eighteenth district. Eighteenth.

The counties of Geauga, Ashtabula, Trumbull, Portage and Mahoning, shall compose the nineteenth district. Nineteenth.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 25, 1862.

AN ACT

Regulating billiard saloons and use of billiard tables.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any owner or keeper of a billiard saloon, or any owner or keeper of a billiard table at any grocery or other public place, Offense defined.

shall permit or suffer any minor under the age of eighteen years to play at the game of billiards in such grocery, saloon or public place, or upon such billiard table, or to remain or be in or upon the premises so occupied by him as such billiard saloon, or in which shall be such billiard table as aforesaid, every such person or persons shall forfeit and pay a fine of twenty dollars for the first offense, and of fifty dollars for each and every succeeding offense, to be recovered with costs of suit by indictment on information in any court having competent jurisdiction to try the same; and in default to pay such fine and costs, all billiard tables that shall be on said premises in or upon which such offense shall have been committed, shall be liable to seizure and sale on execution to satisfy the same, any exemption or other law to the contrary notwithstanding.

Penalty.

Indictment.

Penalty in default.

Sec. 2. This act shall take effect and be in force on and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 26, 1862.

AN ACT

58 vol. 95. To repeal an act entitled an act "to provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the President of the United States," passed April 23, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act passed April 23, 1861, entitled an act "to provide for the rapid organization of the militia of Ohio, enlisted under the requisition of the President of the United States," be and the same is hereby repealed; Provided, nevertheless, that all rights which may have accrued to any person or persons, under the provisions of the aforesaid act, shall in no wise be affected by the repeal of the same.

Proviso.

Sec. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 26, 1862.

AN ACT

Sw. & Cr. 1028 To amend section 287 of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Judge may order reference in vacation. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 287 of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853, be so amended as to read as follows: Sec. 287. A judge, in vacation, upon the written consent of the parties, may make any order of reference

which the court of which he is a member could make in term time. If a reference has already been directed in any action pending, in a district court, in which the parties are not entitled by the constitution of this state to a trial by jury, in case of the death, sickness, or other disability, or declination to serve, of the referee or either of the referees, any judge in vacation, being a member of the district court directing such reference, upon the written consent of the parties, or upon the written application of either of them setting forth therein such prior order of reference, the death, sickness, or other disability, or declination to serve, of the referee, and after reasonable notice, in writing, to the other party, of the time and place of the making of such application, may direct another reference of all the issues included in the prior reference; and if the parties do not agree upon a suitable person or persons, said judge shall appoint the same number of referees as were appointed by the court in the prior order of reference. Whenever a reference is directed under this section, the order of reference shall be made on the written agreement of the parties to refer, or on such written application, and shall be filed, together with the notice aforesaid, if the same be not upon consent, with the clerk of the court, with the other papers in the case.

In case of death, sickness, etc., of referee, another reference may be ordered in vacation.—proceedings necessary.

Order of reference, how made.

SEC. 2. That said original section 287 be and the same is hereby repealed; and this act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 28, 1862.

AN ACT

To amend sections one, two, and three, of an act entitled "an act to amend the act entitled an act granting licenses to peddlers," passed February 28, 1848. Sw. & Cr. 307.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, two, and three, of the above recited act, be amended so as to read as follows:

Section 1. It is hereby made the duty of county auditors in the several counties in this state, to grant licenses to peddlers as hereinafter provided.

County auditor to grant licenses

Sec. 2. Any person shall have a license to peddle in this state, who shall file with the auditor of any county a statement or list of his stock in trade, in conformity with the eleventh section of an act entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed and took effect April 5th, 1859, under oath, which oath such auditor is hereby authorized to administer, and shall pay to the treasurer of such county the proportionate amount of taxes on such stock in trade as provided for in the thirteenth section of the last recited act, together with twelve dollars, if the applicant intend to travel on foot; if on horseback, or in a one horse wagon or other vehicle, twenty dollars; if in a two horse wagon or other vehicle, twenty-eight dollars; and if in a boat or other water-craft, or in railroad cars, sixty dollars, (which sums, except taxes, shall

Applicant to file with auditor list of stock in trade.

Amount to be paid.

Auditor's fee.
Proviso.

be credited to the common school fund,) and file with the auditor of such county the receipts of the treasurer separately, and shall also pay to such auditor fifty cents, his fees for granting such license; Provided, that any merchant in this state, who shall by himself or agent desire such license, shall not be required to make the statement herein required if the subject matter thereof shall have been otherwise listed for taxation.

Rights granted.
ed.

Sec. 3. Any person or persons, upon complying with the provisions of the second section of this act, shall be entitled to a license to peddle throughout this state from the auditor to whom application is made; which license shall authorize the person in whose name, and to whom the same is granted, to vend and sell goods, wares and merchandize for one year from the date of the receipts of the treasurer, throughout this state as a peddler or traveling merchant; Provided, that nothing in this act shall be so construed as to prevent any person from taking out a license to peddle for the term of three or six months, and paying for the same proportionably, in accordance with the provisions of the second section of this act.

—limited to
one year.

Proviso.

Sec. 2. That sections one, two and three, of the first above recited act, be and the same are hereby repealed.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 28, 1862.

AN ACT

To raise revenue, protect sheep, and confiscate dogs.

Owner to list
dog for tax-
ation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of each and every person owning a dog or dogs, or keeping, or harboring one or more, to list the same for taxation as other property is listed, and to give to the assessor the true value of such dog or dogs; but the person so listing such dog need not make oath to such value.

Assessor to
receive value
fixed by own-
er.

Sec. 2. That the assessor shall receive the value so fixed by the owner, keeper, or harbinger of said dog or dogs, as the true value.

Dog not listed
to be deemed
as a common
nuisance, etc.

Sec. 3. That any dog not so listed for taxation, shall be deemed and taken as a common nuisance, and any person is hereby authorized to capture, kill, or confiscate the same; and if any person shall kill, wound, or destroy any dog so listed as aforesaid, for taxation, the person so killing, wounding, or destroying the same, shall not be liable, in damages, to the owner, keeper, or harbinger of such dog in any amount greater than that for which said dog was listed for taxation.

Sec. 4. This act shall take effect and be in force from and after the first day of May, 1862.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 28, 1862.

AN ACT

To amend section sixty-nine of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, as amended March 25, 1862, and to repeal section one of the last named act; also further to define the duties of county treasurers.

Sw. & Cr. 1516

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-nine of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, as amended by the act passed March 25, 1862, be amended so as to read as follows:

Sec. 69. The qualified voters of each city of the second class, shall elect a city marshal, who shall hold his office for one year; a city solicitor, who shall hold his office for two years; and that the city council of cities of the second class shall, at their first annual meeting in April of each year, appoint from the qualified voters of the city, a city clerk, who shall hold his office for one year therefrom, or during the pleasure of the board. Said clerk shall have the custody of all the laws and ordinances of the city, and shall keep a regular and correct journal of the proceedings of the council, and shall perform such other duties as may be required by the ordinances of the city. The clerk in office at the expiration of the term of service of any council, shall continue in office until his successor shall be appointed and qualified.

Election of marshal and solicitor, and their terms of office.

Appointment of clerk, and his duties.

Sec. 2 That section one, of the act passed March 25, 1862, entitled "an act to amend section sixty-nine of an act entitled 'an act to provide for the organization of cities and incorporated villages,'" passed May 3, 1852, be and the same is hereby repealed.

See page 31.

Sec. 3 That hereafter the treasurer of each county in this state, containing a city of the second class, shall retain in his hands for disbursement as hereinafter provided, all the taxes by him collected which shall have been levied for city purposes within the township in which, by law, the county treasury is located.

County treasurer to disburse city taxes.

Sec. 4 That the taxes so collected and retained by said county treasurer, shall be paid out by said county treasurer on the order of such person or persons as may be appointed by the council of said city.

Same.

Sec. 5. That said county treasurer shall settle and account with the council of said city as often as is or may be provided for the settlement of city treasurers.

Treasurer to settle with council.

Sec. 6. That hereafter in such counties there shall not be elected within the limits of the township in which, by law, the office of the county treasurer is located, any city treasurer, and no person shall be allowed any compensation for the disbursement of the taxes herein required to be disbursed by said county treasurer. Every person now holding the office of city treasurer, within the limits of any such township, shall immediately settle with, pay over and transfer to, said county treasurer all moneys in his possession, or under his control, as such city treasurer.

In what case no city treasurer to be elected.

Present city treasurers to settle, etc., immediately.

Sec. 7. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 29, 1862.

AN ACT

Sw. & Critch. 1522. To amend section eighty-three of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighty-three of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, be so amended as to read as follows :

Powers and duties of police judge.

Jurisdiction.

Sec. 83. The police judge shall have, in all criminal cases, the powers and jurisdiction that are or may be in law vested in the justices of the peace of the county, in all respects whatsoever; he shall also have like power to take the acknowledgment of deeds and other writings; he shall have jurisdiction of all violation of the ordinances of the city, and of all cases of petit larceny and other inferior offenses which do not require an indictment or presentment of the grand jury, with powers to hear and determine the same, where a jury is not demanded in cases where it may be properly claimed; the police judge of any such city shall have power to hold a court, to be styled the "police court." Every such police court shall be deemed a court of record; shall have a seal (to be provided by the city council), with the name of the state in the centre and the style of the court around the margin, and shall have like jurisdiction as a court as is or may be vested in the judge holding the same; and shall also have jurisdiction and power to hear and determine all cases of violation of the ordinances of the city, which shall be prosecuted in the name or in behalf of the city; and all cases of petit larceny and other inferior offenses of every description committed within the limits of the city, or within four miles thereof, and which the constitution or some law of the state does not require to be prosecuted by indictment or presentment of a grand jury; and prosecutions for such offenses shall be brought and conducted in the name of the state; and for the proper exercise of such jurisdiction, such police court shall have, in respect to the issuing of process, the preserving order and punishing contempts, the administering oaths, the summoning and impanneling of juries, or otherwise, all the powers incidental to a court of common pleas, in the hearing and determining of like cases.

SEC. 2. This act to take effect from and after its passage; and the original section eighty-three is hereby repealed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 29, 1862.

AN ACT

To prohibit members of boards of education from receiving compensation for their services.

Members to receive no compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any member of any board of education, organized under any law of this state, to receive any compensation for his services as member of said board, or to apply

any money coming into his hands for the benefit of schools to his own use.

Sec. 2. That any person violating either of the provisions of this act shall be liable to be prosecuted therefor in a civil action, to be instituted in the name of the state of Ohio, before any court having competent jurisdiction; and if found guilty in such action, shall be ordered and adjudged by such court to pay any sum not less than the amount of the compensation so unlawfully received, or the money so unlawfully applied, nor exceeding twice any such sum.

Penalty for violation of this act.

Sec. 3 All moneys collected under the provisions of this act shall be paid into the treasury of the township, in which the action shall have originated, for the use of common schools in the township.

Fines collected—how disposed of.

Sec. 4. This act shall take effect upon its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 29, 1862.

AN ACT

Prescribing the rates of taxation for state, county, township, city, and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter there shall be levied annually for state purposes, on each dollar of taxable property in this state as valued and entered on the grand list of taxable property in each year, taxes at the rates herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely: For the ordinary expenses of the state government, including the expenses of the public benevolent institutions, and other charges on the general revenue, one mill; for the sinking fund, applicable to the payment of the interest on the state debt, and the gradual reduction of the principal thereof, one mill and four-tenths; exclusive of and in addition to the levy for the principal and interest of the "Union Loan," and for the support of common schools in the state, one mill and three-tenths.

Rates of taxes to be levied.

—For state government.

—For sinking fund.

Sec. 2. There shall hereafter be levied annually by the commissioners of the several counties of the state, on each dollar of taxable property in their respective counties mentioned in the first section of this act, taxes at the rates herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely: For all county expenses, of whatever character, other than taxes for bridge, road, building, and poor purposes, and for the payment of the interest and principal of the debts of the county, such rate as the commissioners of the county shall at their June session determine to be necessary, not exceeding in any case the average of the following rates, that is to say: On any amount of such taxable property in the county, not exceeding one million dollars, three mills; on any amount of such taxable property exceeding one million and not exceeding two millions dollars, two mills; on any amount of such taxable property exceeding two millions and not exceeding six mil-

Annual levy.

—For certain county purposes.

—Rates.

—For road,
bridge, and
building pur-
poses.

lions dollars, one mill and a half; on any amount of such taxable property exceeding six millions, one mill; for road, bridge, and building purposes, each such rates as the commissioners may at or before their June session determine, not exceeding one-fourth of one mill on any amount of taxable property on the county duplicate as aforesaid, not exceeding six millions dollars; on any amount of such taxable property exceeding six millions and not exceeding ten millions dollars, two-tenths of one mill; on any amount of such taxable property exceeding ten millions and not exceeding twenty millions dollars, three-twentieths of a mill; on any amount of such taxable property exceeding twenty and not exceeding thirty millions dollars, one-tenth of one mill; and on any amount of such taxable property exceeding thirty millions dollars, one-twentieth of one mill; and the tax herein authorized for road, bridge, and building purposes may be used in common for said purposes, as may be found necessary by the commissioners; and for county poor purposes, two fifths of one mill on each dollar of the taxable property of the county valued and entered as aforesaid: Provided, that in case any important bridge or bridges belonging to and maintained by any county, shall be destroyed by any casualty, and the restoration thereof may be necessary for public accommodation, the commissioners of such county may levy a special tax for that purpose, not exceeding one half mill on the dollar of taxable property in the county, in any one year, the proceeds of which tax shall be applied solely to the restoration of such bridge or bridges: And provided further, that the commissioners of Hamilton county may levy a tax, not exceeding four-tenths of one mill on the dollar upon the taxable property of said county, to aid in the support of Longview Asylum.

—For county
poor purposes.
Provided.

For township
purposes.

SEC. 3. There shall hereafter be levied annually for township purposes, including the relief of the poor, but not including the support of common schools or the payment of the interest and principal of the debts of the township, such rate of taxes as the trustees of the respective townships may certify to the county auditor to be necessary, not exceeding one-half mill on each dollar of the taxable valuation of the property in the township, not exceeding one hundred thousand dollars, and one-fourth of one mill of such taxable valuation exceeding one hundred thousand dollars.

For school and
school-house
purposes.

SEC. 4. There shall hereafter be levied annually, for school and school-house purposes, by the several local boards, whether of city, village, town, township, union school, or other districts, having by law authority to levy taxes for school purposes, in all localities other than cities of the first class having a population of a hundred thousand inhabitants or more, such rate of tax as may be determined upon and certified to the county auditor by the said boards respectively, not exceeding two and three-fourths mills on each dollar of the taxable valuations of property in their respective districts, except as is authorized by the act entitled "an act to authorize the board of education of the city of Columbus to raise money for the erection of school buildings," passed March 21, 1860, and in cities of the first class herein referred to, not exceeding one mill and one-fourth on each dollar of the taxable valuations of property therein.

For cities and
villages.

SEC. 5. There shall hereafter be levied, annually, by the constituted authorities of each incorporated village and city, for village and city purposes, not including taxes for school and school-house

purposes, nor for the payment of the interest and the principal of the debts of such village or city upon each dollar of the taxable valuation of property in such village or city, in lieu of the taxes heretofore authorized by law, such rate of taxes as may be determined upon by said authorities respectively, and certified to the county auditor to be necessary, not exceeding the following rates, that is to say : For each incorporated village, one mill ; for each city of the second class, two mills ; for each city of the first class having a population less than one hundred thousand inhabitants, four mills ; and for each city of the first class having a population exceeding one hundred thousand inhabitants, five mills, and the further assessment of not exceeding one-half of one mill for aid in lighting all such cities : Provided, that the aforesaid limitation shall not be construed as prohibiting assessments on property adjacent to local improvement made, in any city or incorporated village, for the purpose of paying the cost thereof and the damages occasioned thereby.

Provided.

Sec. 6. County auditors shall not be required to assess on the taxable property of their respective counties, or of any township, city, incorporated village, or school district therein, for any purpose, nor for all purposes added together, any rate of taxation containing or resulting in any fraction other than a decimal fraction, nor in any decimal fraction less than one twentieth of a mill ; but if the sum required to be raised for any purpose, or for all purposes, shall result in a fraction less than one-fortieth of a mill, such fraction shall be dropped, and if more than one-fortieth any less than one-twentieth, the difference between such fraction and one-twentieth of a mill shall be added to such fraction.

How auditors to dispose of fractional mills.

Sec. 7. It shall be the duty of the commissioners of each county and the constituted authorities having power to levy taxes of each city, village, town, township and district, annually, at the time of making or determining the rate of any levy by them respectively made or authorized, or as soon thereafter as may be practicable, and not later than the first Monday of August in the then current year, to make a careful and as near as may be an accurate estimate of the amount or sum of money that will be produced by such levy, after making due allowance for all delinquencies and the costs of collection, and shall record the same in the records or minutes of their proceedings, stating separately the amount or portion belonging to each separate purpose or fund, together with the total amount of the taxable valuation of property on which such levy is made ; and no contract obligation or liability, nor any number of contracts, obligations or liabilities shall be entered into, made or incurred by or on behalf of such county, city, village, town, township or district, including boards of education, for any purpose or purposes which in the aggregate shall, directly, indirectly or contingently, exceed the net amount of the levy for such purpose or purposes so made and estimated as aforesaid with any unexpended balance of former levies added thereto, after deducting the amount of existing liabilities against such fund ; and it shall be unlawful for the corporate authorities of any county, city, village, town, township or district to levy any other or greater tax than the taxes authorized by this act, or any other act of the present general assembly, or to contract any debt, make any contract, or incur any pecuniary liability for the payment of either the interest or the principal of which during the

Duties of county commissioners.

Restrictions in making contracts, levies &c.

- then current year, or any subsequent year, it will be necessary to levy any other or greater tax or taxes than the then existing laws shall clearly authorize to be levied: Provided, that nothing in this act contained shall be construed to limit or prohibit the exercise of the authority heretofore conferred by law upon the constituted authorities of any county, city, village, town, township or district to levy taxes for the payment of the interest and principal of the now existing debts of such county, city, village, town, township or district.
- Proviso.** **Contracts in contravention of this act void as to corporation making same, but officers, etc, individually liable.** **Sec. 8.** Every contract made in contravention of the provisions of this act shall be utterly null and void as to the corporation or district on behalf of which such contract may purport to have been made; but every commissioner, trustee, officer, agent or member of any such corporation, who shall have made, participated in the making, or authorized the making of any such contract, shall be held to be individually liable for its performance, and every such commissioner, trustee, officer or agent of any local corporation authorized to levy taxes, or members of the board of education, who shall have been present when any such unlawful contract was made, or authorized to be made, shall be deemed to have made, participated in making, and to have authorized the making of the same, unless he shall have dissented and entered or caused to be entered such dissent on the records of such corporation or of its councils, trustees, or other officers or agents.
- Exception.** **Acts repealed.** **Sec. 9.** The "act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 17, 1857; the first, second and third sections of the act passed April 12, 1858, "supplementary to an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed February 13, 1853, and to repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed April 8, 1856, also prescribing the duties of county commissioners, county auditors, township clerks and supervisors, also to repeal certain acts therein named;" the act passed April 12, 1858, entitled "an act to amend section twenty-three of the act entitled an act to provide for the reorganization, supervision and maintenance of common schools, passed March 11, 1853;" sections seventy-nine, eighty-one, eighty-two, eighty-three and eighty-four of the "act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859; the "act prescribing rates of taxation for state purposes," passed March 16, 1860; so much of the first section of the "act to enable townships and incorporated villages to establish cemeteries common to both," passed March 17th, 1860, as authorizes the levy of a tax; section one of the act passed March 17, 1860, "supplementary to the act entitled an act to provide for the organization of cities and incorporated villages, passed March 11, 1853;" the act passed March 21, 1860, "supplementary to the act entitled an act to provide for the organization of cities and incorporated villages," passed May 3, 1852; the first section and so much of the fourteenth section as authorizes the levy of a tax of the "act relating to cities of the first class having a population exceeding eighty thousand inhabitants," passed March 3, 1860; the act passed March 26, 1860, "supplementary to an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and
- Sw. & Critch. 1479.**
- Sw. & Critch. 1317.**
- Sw. & Critch. 1354.**
- Sw. & Critch. 1465-6.**
- Sw. & Critch. 1479-80.**
- Sw. & Critch. 1563.**
- Sw. & Critch. 1562.**
- Sw. & Critch. 1562.**
- Sw. & Critch. 1557-9.**

the amendment, passed March 11, 1853, and the supplementary act, passed April 8, 1856, and the supplementary to the act, passed April 12, 1858; "the act passed April 3, 1861, "to amend an act entitled an act to authorize the erection of town halls, passed February 24, 1848;" the "act prescribing the rates of taxation for state purposes, and to limit the levy of local taxes for the year 1861," passed May 13, 1861; section one of "an act to amend the act entitled an act to provide for the organization of cities and incorporated villages," passed March 11, 1853; section eleven of "an act to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof and supplementary to said acts," passed April 5, 1856; so much of the fourth section of "an act to authorize the establishment of houses of refuge," passed April 16, 1857, as authorizes the levy of a tax; section thirty-four of "an act further to provide for the government of the Longview asylum, and amendatory and supplementary to an act entitled an act to constitute the county of Hamilton a separate district for lunatic asylum purposes, and to provide for the erection and government of an asylum therein," passed February 27, 1861; section two of the act passed March 30, 1857, "to amend the act entitled an act to amend the act entitled an act to provide for the organization of cities and incorporated villages, passed March 11, 1853, and supplementary to the same;" and all other acts and parts of acts inconsistent with any of the provisions of this act, are hereby repealed; but this repeal shall not be construed so as to affect, defeat or discharge any right accrued, or liability incurred, under the said acts or parts of acts, or either of them. That section one of the act entitled "an act to amend an act for the support and the better regulation of common schools of the town of Akron," passed January 28, 1848, be amended so as to read as follows:

Section 1. *Be it enacted by the General Assembly of the State of Ohio,* That the amount of taxes hereafter to be assessed to defray the expense for school and school-house purposes shall not in any one year exceed two and one-half mills. Said original section one is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 30, 1862.

AN ACT

For the appointment of additional assistant surgeons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to the number of assistant surgeons now provided for by the laws and regulations of the United States, for regiments of Ohio volunteers in its service, and the act passed April 2d, 1862, providing for the appointment by the governor of twenty additional assistant surgeons for said regiments of Ohio volunteers,

Sw. & Critch.
1561.

58 vol. 55.

53 vol. 138.

Sw. & Critch.
1522.

Sw. & Critch.
1543.

Sw. & Cr. 689.

58 vol. 153.

Sw. & Critch.
1549.

Saving.

Sw. & Critch.
1371.

Amendment of
Akron school
law.

Vide p. 35.

Governor may
appoint not
exceeding
thirty.

—and assign
to what duty.

Pay.

Proviso.

Appointment
revocable.

When control
by governor
and payment
by state ceases.

the governor is hereby authorized and empowered to appoint such assistant surgeons as he may deem necessary, not exceeding thirty in number, in addition to the number already authorized by law.

SEC. 2. Such assistant surgeons shall be assigned to such duty as the governor may, from time to time, order among the regiments of Ohio volunteers.

SEC. 3. The pay and emoluments of such assistant surgeons shall be at the rate of one hundred dollars per month for the time actually employed in the service, and shall be paid on the warrant of the auditor, out of the state treasury; Provided, the account for such services shall have been first approved of and certified to by the governor.

SEC. 4. The appointment of such assistant surgeons shall be revocable at the pleasure of the governor.

SEC. 5. Whenever the United States shall muster any of said assistant surgeons into its service, the control over them by the governor, as provided for in this act, shall cease, and whenever they shall become entitled to receive their pay and emoluments from the United States government under its laws and regulations, the treasury of the state shall cease to be chargeable therefor.

SEC. 6. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 30, 1862.

AN ACT

Relating to justices of the peace and probate courts.

Justices to re-
ceive what
moneys from
constables.

Justice to pay
over to proper
person.

On failure to
do so may be
amerced.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That justices of the peace shall receive from constables all moneys by them collected, except when the same shall have been paid over by the constable to the party entitled thereto before the return of his execution, and all moneys by such justices so received or otherwise collected, with or without process, and received in their official capacity, for the use of any person or persons, shall be by them paid over to such person or persons, his or their agent, on demand; and if any justice of the peace shall refuse or neglect to pay over all moneys by him so received as aforesaid, when the same shall be demanded of him at his office or place of residence, to the person or persons entitled thereto, or to his or their agent, every such justice shall, on motion in the probate court and five days' notice thereof in writing, be amerced in the amount of such moneys with ten per cent. thereon, to and for the use of the party entitled thereto, which amercement shall be entered on the record of said court, and shall have the same effect as a judgment, and there shall be no appeal therefrom. This act shall be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 30, 1862.

AN ACT

To amend the fourth, fifth and sixth sections of an act, passed April 30, 1852, entitled "an act to provide for the election of prosecuting attorneys, and prescribing their duties."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections four, five and six of the above entitled act, be so amended as to read as follows:

Sec. 4. The prosecuting attorney for each county in this state shall annually receive for his services in civil and criminal business, which now are or hereafter may be required of him by law to be performed, to be paid out of the treasury of his county, on the order of the court of common pleas and warrant of the county auditor, at such times and in such installments as the court may direct, the following compensation, and no more, to be graduated according to the federal census, to wit: In the county of Hamilton, not exceeding two thousand dollars; in the county of Cuyahoga, not exceeding fifteen hundred dollars; in the counties of Lucas and Montgomery, not exceeding nine hundred dollars each; in each county containing less than twenty thousand inhabitants, not exceeding three hundred dollars; in any other county, not exceeding one dollar and fifty cents for each one hundred inhabitants which such county may contain.

Compensation

Hamilton,
Cuyahoga and
Lucas coun-
ties.

Sec. 5. That it shall be the duty of the county auditor, whenever any officer of his county shall be elected or appointed who is required to give bond for the discharge of his duties, to call upon the prosecuting attorney of his county to attend to the same; and it shall be the duty of said prosecuting attorney, upon such summons, to prepare the proper bonds in legal form, to examine and take special care that the forms of the same, together with the acceptance by the proper authorities, the signing and sealing thereof, and all the indorsements thereon, are in conformity to law; and the bond of no county officer shall be accepted and approved by the authority authorized to approve and accept the same, until said bond has been seen and inspected by the prosecuting attorney of the proper county, and certified by the said attorney to be sufficient in form: Provided, however, that if the office of prosecuting attorney of any county be at the time vacant, or the prosecuting attorney thereof, by sickness or other cause, be unable to attend to the same, the probate judge of the said county shall discharge the duties by this section imposed upon said prosecuting attorney.

To draft
bonds of
county officers
when called
upon by coun-
ty auditor.

Proviso.

Sec. 6. That the court of common pleas, or the district court, may, if it think necessary, during term of court, appoint an attorney to assist the prosecuting attorney, in the trial of any case pending before said court; and the auditor of the county shall draw an order on the treasury of the county in favor of such assistant, in such sum as said court may direct, not greater than twenty-five dollars: Provided, that in counties containing a population greater than one hundred thousand, no such special allowance shall be made; but the judges of the court of common pleas may appoint an assistant prosecuting attorney, at a yearly salary not exceeding twelve hundred dollars.

Court may ap-
point assistant
on application

— His com-
pensation.

Proviso.

Sec. 2. That sections four, five and six of said act, be and the same are hereby repealed.

Sw. & Critch.
1224.

SEC. 3. That section seventeen of an act entitled "an act defining the jurisdiction of probate courts in criminal cases, in the counties of Pike, Portage, Jackson, Clermont, Carroll, Gallia, Butler, Lucas, Hocking, Defiance, Brown, Lorain, Coshocton and Columbiana," as amended March 26, 1860, be and the same is hereby repealed.

SEC. 4. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 30, 1862.

AN ACT

Sw. & Cr. 100. To amend sections twenty-three, forty-eight and fifty-three of "an act prescribing the duties of county auditors," passed April 4, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections twenty-three, forty-eight and fifty-three of "an act prescribing the duties of county auditors," passed April 4, 1859, be amended so as to read as follows :

When delin-
quent lands
sold by county
treasurer.

Conditions of
sale.

Publication of
list of delin-
quent lands.

Notice of sale.

Section 23. The county treasurer, or his deputy, shall attend at the court-house in his county, on the third Tuesday in January, in conformity with the notice prescribed in section forty eight of this act, and shall then and there, at and after the hour of ten in the forenoon, proceed to offer for sale, separately, each tract of land or city or town lot, or part of lot, contained in said advertisement, on which the taxes and penalty shall not have been paid ; and the person or persons offering at said sale to pay the taxes and penalty charged on such land, lot, or part of lot, for the least quantity thereof, shall be the purchaser or purchasers of such quantity ; and the treasurer shall continue such sale from day to day until each tract, lot, or part of lot, contained in such advertisement, on which the taxes and penalty remain unpaid, shall have been sold or offered for sale.

Section 48. The auditors of the several counties in this state shall cause the list of delinquent lands in their respective counties to be published weekly for two weeks, between the twentieth day of December and the third Tuesday in January, in one newspaper and no more, printed and of general circulation in their respective counties, and if no paper be printed therein, then in some newspaper having general circulation in such county, to which list there shall be attached a notice that said delinquent lands will be sold by the county treasurer, as provided in the twenty-third section of this act. Which said notice shall be in substance as follows, that is to say :

DELINQUENT TAX SALE.

The lands, lots, and parts of lots, returned delinquent by the treasurer of _____ county, together with the taxes and penalty charged thereon agreeably to law, are contained and described in the following list, viz :

[Here insert the list with the name or names of the owner or owners of said respective tract of land or town lot as the same are designated on the duplicate.]

And notice is hereby given that the whole of said several tracts, lots, or parts of lots, or so much thereof as will be necessary to pay the taxes and penalty charged thereon, will be sold by the county treasurer, at the court-house in said county, on the third Tuesday in January next, unless said taxes and penalty be paid before that time, and that the sale will be continued from day to day until the said several tracts, lots, and parts of lots, shall have been sold or offered for sale.

[Date of notice.]

_____, County Auditor.

Section 53. There shall hereafter be allowed to the publishers of newspapers for advertising the delinquent and forfeited lists of the several counties, and the notice of sale, a sum not exceeding the following rates :

For the notice of sale, ten dollars ; for designating the several townships, villages and cities, and the several wards in any city, fifty cents each ; and for each tract of land, city or town lot, or part of lot, contained in each of said lists, thirty cents : Provided, that in no case shall a greater sum than one-half of the taxes and penalty due on any tract, lot, or part of lot, be allowed for advertising such tract, lot, or part of lot ; and no such property shall be published in said list as delinquent on which the taxes and penalty shall have been paid on or before the twentieth day of December.

Fees for publication of delinquent or forfeited list.

Sec. 2. Original sections numbers twenty-three, forty-eight and fifty-three are hereby repealed, and this act shall take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 30, 1862.

AN ACT

To punish the offense of injuring or destroying orchards, forests, groves, and other trees, of the value of thirty five dollars or upwards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall willfully and maliciously, and without lawful authority, box, bore, bark, girdle, saw, cut down, injure or destroy any fruit, ornamental, shade, or other tree or trees, standing or growing in any orchard, nursery, grove, or forest, the property of another, of the value of thirty-five dollars or upwards, every such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years, nor less than one year, and shall moreover be liable to the party injured in double the amount of damages by him sustained.

Injuring or destroying fruit or other trees.

Penalty therefor.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

To prohibit the trafficking with persons engaged in armed rebellion against the Government of the United States.

Furnishing
military
goods, etc., to
rebels.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons in this state shall manufacture for, or shall knowingly furnish, vend, or sell any military uniform or uniforms, or military goods of any description whatsoever, or shall furnish or sell any military arms, to any person or persons who have heretofore been or are now engaged in armed rebellion against the government of the United States, whether such person or persons have come or been brought into this state as prisoners of war or otherwise, and knowing such persons to be so engaged; every such person so offending shall, upon conviction thereof, before any court having competent jurisdiction of the same, be fined in a sum not less than fifty dollars, nor more than five hundred dollars, or imprisoned in the county jail, and fed on bread and water only, not exceeding six months, or both, at the discretion of the court.

Penalty.

Sec. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

Sw. & Cr. 814. To amend section twenty-seven of an act entitled "an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section (27) twenty-seven of the "act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837, be amended so as to read as follows, to wit:

Payment of
fees of justices,
etc., where
state fails.

Sec. 27. And it shall be the duty of such auditor, after carefully examining every such transcript or certificate, delivered to him by such justice or judge as aforesaid, and correcting the errors, if any, in the charges, to draw an order on the county treasurer, in favor of such justice, constable, or witness, or his or their legal representative, for the amount of such costs, which shall be paid out of the treasury of the county: Provided, an assignee of the costs of such witness shall in no case receive such order unless such witness is a non-resident of such county.

Proviso.

Sec. 2. This act to be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

To amend section four of an act entitled "an act to establish an asylum for the education of idiotic and imbecile youth," passed April 17, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the above named act be so amended as to read as follows :

Sec. 4. The said board shall appoint a superintendent, one matron, and the necessary number of teachers, and shall have power to remove the same, or any of them, upon sufficient cause. The board shall fix the compensation of said officers and other employees : Provided, the superintendent shall not receive a greater compensation than one thousand dollars per annum, the matron a greater compensation than three hundred dollars per annum, and each teacher a greater compensation than three hundred dollars per annum.

Superintendent, matron, and teachers.

—Compensation.

Sec. 2. Section four of the above named act is hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

To amend "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," passed April 7, 1856. Sw. & Cr. 851.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-seven of said act be amended so as to read as follows :

Sec. 67. That the salaries of the superintendent, and other officers contemplated in this act, shall be as follows : The superintendent shall, for his services, receive ten hundred dollars per annum ; the assistant physician shall receive for his services five hundred dollars per annum ; the steward shall receive five hundred dollars per annum for his services ; the matron shall receive three hundred dollars per annum : all of said officers to be paid quarterly, out of the state treasury, on the warrant of the auditor of state.

Salaries.

Sec. 2. That section sixty-seven of said original act be and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

Sw. & Critch. 1409. To amend the first section of the "act in relation to statistics," passed April 17, 1857, and the fourth section of the "act supplementary thereto," passed April 12, 1858, and to repeal the first and ninth sections of said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act entitled "an act in relation to statistics," passed April 17, 1857, be so amended as to read as follows:

Commissioner of statistics.

Sec. 1. That the governor shall have power and he is hereby required, by and with the advice and consent of the senate, to appoint a commissioner of statistics, for the state of Ohio, to hold his office for the term of three years, and until his successor is appointed and qualified, with a salary not exceeding one thousand dollars, to be paid on the certificate of the governor, out of any moneys in the treasury not otherwise appropriated: Provided, that this act shall not be so construed as to affect the term of office of the present incumbent thereof.

Sw. & Critch. 1410.

Sec. 2. That section four of the act, supplemental to an act entitled an act in relation to statistics, passed April 17, 1857, be so amended as to read as follows:

State and county officers to answer inquiries without compensation.

Sec. 4. That it shall be the duty of any state, county, or other officers, without compensation, to answer fully and promptly such special and general questions as said commissioner may ask.

Sec. 3. That section one of the "act in relation to statistics," passed April 17, 1857, and sections one, four, and nine of the "act supplementary to said act," passed April 12, 1858, be and the same are hereby repealed.

Sec. 4. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1st, 1862.

AN ACT

To exempt from execution and sale the property of persons who may be surety for persons who have volunteered, or who may volunteer and be mustered into the service of the United States.

Exemption from levy and sale on execution, etc., of property of surety of volunteer.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the real and personal property of any person or persons who may be held as sureties, either upon note, bond, or undertaking of any kind, for any person who may have volunteered and been mustered into the service of the United States, or who shall hereafter volunteer and be mustered into such service, shall be, and the same is hereby declared exempted from sale on execution, or order issued upon any judgment rendered against him in any civil action, or on any liability arising from such suretyship for any such volunteer, during the time such person, for whom he may

be liable as bail, may remain in actual service of the United States, and for such longer time after the discharge of the principal as, by law, the property of said principal is exempted, on any execution or order of sale issued on any judgment, order or decree, rendered against him by any court of this state; and that the real and personal property of such bail shall also, during the time aforesaid, be exempted from the levy by execution, or order of sale issued as aforesaid, any law to the contrary notwithstanding: Provided, that the provisions of this act shall not extend to any case in which the principal is not the owner of any property not exempted by law from sale on execution, from which the said judgment or order could be satisfied, in whole or in part, were such volunteer discharged from such service.

Sec. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

To amend "an act to fix the compensation of county commissioners," passed March 10th, 1859. Sw. & Cr 647.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act, be so amended as to read as follows: Section 1. That each county commissioner shall be allowed two dollars for each and every day that he may be employed in his official duties, and five cents per mile in going to and returning from the county seat, for each regular or called session, not exceeding in the whole eight sessions in any one year, to be paid out of the county treasury on the warrant of the county auditor—except in counties in which, by the last federal census, the population amounted to one hundred thousand or upward, in which counties each commissioner shall be allowed four dollars per day for his services, not to exceed four days in each week, to be paid out of the county treasury on the warrant of the county auditor as aforesaid; and no other compensation, either in expenses or traveling fees, shall be allowed the said commissioners in either of the aforesaid classes.

County commissioners' per diem and mileage.

Sec. 2. That the first section of the act to which this is an amendment, be and the same is hereby repealed. That section eight of "an act further to prescribe the duties of county commissioners," passed April 8, 1856, be and the same is hereby repealed.

Sw. & Cr. 251.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

To provide for the inspection of petroleum oils for illuminating purposes.

Court of common pleas to appoint inspector.	<p>SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That upon the application of five or more citizens of any county in this state, wherein any coal oil, petroleum oil, or a mixture of coal and petroleum oils is made, refined or manufactured, for the purpose of burning in any kind of lamp as an illuminator, or where the same, or any one of them, is so'd for that purpose, the judge of the court of common pleas shall appoint a suitable and qualified person, who is not interested in the making or vending of any or either of said oils, or burning fluids, who shall, at his own expense, provide himself with the necessary instruments and apparatus for testing the quality of said illuminating coal or petroleum oils, or burning fluids, whose duty it shall be to examine and test the quality of all coal or petroleum oils, or burning fluids, that he shall be requested by any manufacturer, refiner, dealer, or vender, to examine, and if, upon such testing or examination, the oils or fluids so tested, shall meet the requirements hereinafter specified, he shall fix his brand and device, "Approved," with the date, upon the package, cask, or barrel containing the same; and it shall be lawful for any manufacturer or dealer to sell the same as an illuminator. But if the oil so tested shall not meet said requirements, he shall mark upon such package, cask, or barrel, "Rejected for illuminating purposes," under his name; and it shall be unlawful for the owner thereof to sell it for illuminating purposes, under the pains and penalties hereinafter provided.</p>
His duties.	<p>SEC. 2. It shall be the duty of every manufacturer of refined coal oil, petroleum oil, or mixed coal and petroleum oils, to mark or brand upon the package, cask, or barrel containing the same, according to the fact, "illuminating coal," or "petroleum," or "mixed" oil, in addition to their ordinary trade mark.</p>
Mark or brand by manufacturer.	<p>SEC. 3. It shall be the duty of the inspector, when called upon for that purpose, promptly to inspect all oils or burning fluids hereinbefore mentioned, and to reject, as dangerous, all petroleum oils which, at the temperature of one hundred degrees Fahrenheit's thermometer, will emit an explosive gas, or take fire on plunging therein a well lighted match: Provided, that the quantity of oil used in the test shall not be less than half a pint. And it shall be the duty of said inspector to designate by his brand, the temperature at which said oils will ignite.</p>
Further duties of inspector.	<p>SEC. 4. That if any person, whether manufacturer or dealer, shall sell, or attempt to sell, to any person in this state, any of said illuminating oils, whether manufactured in this state or not, before having the same inspected, as provided by this act, he shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars. And if any manufacturer or vender of either of said illuminating oils shall falsely brand the package, cask, or barrel containing the same, as provided in the first section of this act, or shall use barrels, casks, or packages having the inspector's brand, without having the oil inspected, he or they so offending, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court. And any person violating any provisions of this act, or</p>
Penalty for selling uninspected oils.	
—for falsely branding, or using branded cask, etc., containing uninspected oil.	

who shall neglect to do what is required herein, whether manufacturer or dealer, shall be liable to any party injured for any damage sustained thereby. And if any loss of life result as a consequence of not doing what is herein required, or by the neglect or refusal to do what is hereby enjoined, by the manufacturer, refiner, or dealer, the person so delinquent shall be deemed guilty of manslaughter, and punished according to the statute in such cases made and provided.

Liability for damages.

When person guilty of manslaughter.

Sec. 5. All prosecutions for fines and penalties under the provisions of this act, shall be by indictment in the court of common pleas of the proper county, and when collected, shall be paid into the county treasury, for the use of the county.

Indictment.

Sec. 6 The several inspectors provided for in this act, are hereby empowered, if necessary to the convenient dispatch of their respective duties, to appoint a suitable number of deputies, for whom they shall respectively be accountable, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the inspector.

Deputy inspectors.

Sec. 7. Every person appointed inspector, or deputy inspector, shall, before he enters upon the duties of his office, take an oath or affirmation to support the constitution of this state and of the United States, and perform the duties of his office with fidelity. He shall also execute a bond to the state of Ohio, in such sum, and with such surety, as shall be approved by the court of common pleas of the county where appointed, conditioned for the faithful performance of the duties imposed on him by this act, which bond shall be for the use of all persons aggrieved by the acts or neglects of such inspector.

Inspector, or deputy, to take oath.

—and give bond.

Sec. 8. The term of office of an inspector shall be for one year; and every inspector shall, upon the requisition of any manufacturer or vender of the oils herein mentioned, proceed without unnecessary delay, to the inspection thereof; and said inspector shall be entitled to demand and receive from the owner or party calling upon him, the sum of five cents for any package, cask, or barrel inspected and branded by him.

Term of office and compensation.

Sec. 9 Every deputy inspector shall, within twenty-four hours after the inspection of the oils hereinbefore mentioned, return a true and exact account thereof to his principal, who shall make an entry of all oils inspected, in an intelligible manner, in a book prepared for that purpose, which shall be open to inspection by any person interested.

Record of inspectors.

Sec. 10. No inspector, or deputy inspector, shall, while in office, buy, sell, barter, or otherwise trade, directly or indirectly, in any article which they are appointed to inspect; and for the violation of this section they shall be liable to a penalty not exceeding two hundred dollars, to be collected in accordance with the provisions of section five of this act.

Inspector or deputy not to sell, etc., and penalty for so doing.

Sec. 11. This act to be in force from and after the first day of June, 1862.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN AOT

Supplementary to the act to provide for the execution and supervision of the state printing and binding, passed March 24, 1860.

Printing or binding not included in the five classes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any printing or binding required to be done for the state, not embraced in the five classes specified in the act to provide for the execution and supervision of the state printing and binding, shall be subject to the requirements and restrictions of said law; and the commissioners of printing may issue proposals therefor from time to time, as occasion may require, whether provided for by law, or resolution of the General Assembly.

Additional duties of supervisor of printing.

SEC. 2 That section seventeen of the act to which this is supplementary shall be construed so as to give the supervisor of the public printing the control of all work done pursuant to law, in the same manner as work executed for the executive departments is controlled by him under said section. He shall also be responsible for the correct proof-reading of the laws and executive documents, and for the order and style in which the latter shall be published in volumes. It shall also be his duty to prepare and furnish suitable side-notes for the general laws, and indexes for the laws and documents.

Payment of bills for advertising.

SEC. 3. All bills for advertising under the laws of this state, the payment of which is drawn from the state treasury, shall be audited by the supervisor and approved by the commissioners of printing, in the same manner as those for printing and binding are audited and approved under the laws to which this is supplementary. A square shall be considered to be the space occupied by three hundred ems of plain solid matter, and the prices allowed shall be the same per square as charged for other plain advertising in the paper inserting it; and no allowance shall be made for space occupied by unnecessary blank lines, or other device to increase the amount, not required by good taste and the nature of the matter inserted.

A square defined.

Supervisor of printing—his term, report, and compensation.

SEC. 4. The supervisor of public printing shall hold his office for the term of one year, unless removed by the commissioners of public printing for misfeasance or malfeasance in office. He shall make an annual report to the governor, of the expenses of the department over which he has the supervision, and of any other matters connected therewith; and he shall be allowed annually the sum of one hundred dollars in addition to the amount of salary provided for in section seventeen, to which this is supplementary, to be paid as specified in said section seventeen, as compensation for the services required of him by this act and the act to which this is supplementary.

SEC. 5. That this act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN AOT

To amend sections thirty-four, forty-one, sixty-five and sixty-six of the "act to organize and discipline the militia and volunteer militia," passed March 28, 1857. 54 vol., 5c., 71.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections thirty-four, forty-one, sixty-five and sixty-six of the act to organize and discipline the militia and volunteer militia, passed March 28, 1857, be amended so as to read as follows :

Sec. 34. Brigade inspectors shall be allowed such compensation by the board of appropriation as they shall decree just and reasonable, and members of brigade courts at the rate of two dollars per day, for their services, for the period aforesaid. The quartermaster-general and adjutant-general, for the prompt and full discharge of all the duties enjoined upon them, shall each receive an annual salary of two thousand dollars, to be paid quarterly, out of the state treasury, on the order of the auditor of state, approved by the commander-in-chief. Compensation of military officers.

Sec. 2. That section forty-one be amended so as to read as follows :

Sec. 41. There shall be attached to the commander-in-chief, and to the several divisions, brigades, regiments, squadrons and battalions, the following staff officers, to wit : The staff of the commander-in-chief shall consist of one adjutant-general, who shall discharge the duties of inspector-general, one quartermaster-general, who shall discharge the duties of commissary-general and paymaster-general, one aid-de-camp, who shall perform the duties of engineer-in-chief and judge-advocate-general, who shall be appointed by the commander-in-chief ; said aid shall for his services receive a salary at the rate of one thousand dollars per year for the time actually employed, to be paid in the same way and manner as the adjutant-general and quartermaster-general are paid. To each division there shall be one division inspector, who shall discharge the duties of assistant adjutant-general, one assistant quartermaster-general, two aids-de-camp, one assistant engineer-in-chief, and one assistant judge-advocate-general, to be appointed by the major-general. To each brigade there shall be one brigade major, to serve as brigade inspector, two aids-de-camp, one brigade quartermaster, one brigade engineer, one brigade judge-advocate, one brigade surgeon, and one brigade chaplain, which brigade staff shall be appointed by the brigadier-general. To each regiment or battalion of artillery, rifle, infantry or light infantry, there may be one chaplain, and there shall be one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one quartermaster-sergeant, one drum-major, and one fife-major, to be appointed by the commandant of such regiment or battalion ; and it shall be the duty of the drum-major and fife-major to examine and report to the commandants of regiments or battalions upon all instruments of music which shall be purchased for the use of the regiment or battalion, and no such instruments of music shall be paid for out of the funds of the regiment or battalion until approved by them. To each regiment or squadron of cavalry there shall be one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one quartermaster-sergeant, one sergeant-major, and two regimental or squadron buglemen, which shall be appointed by the commandant of such regiment or squadron. Staff officers.

SEC. 3. That section sixty-five be amended so as to read as follows:

Commander-in-chief may organize commissary department.

Sec. 65. The commander-in-chief, whenever in his opinion it becomes necessary, may organize a subsistence or commissary department, and for that purpose shall order the quartermaster-general to perform the duties of commissary-general, and may appoint such other assistant commissaries as he may think necessary, or the good of the service may require, with such rank as is conferred on officers of the same station in the army of the United States, and he may also appoint such number of storekeepers and other officers as the good of the service may require, and may order any or all such officers in actual service when their services become necessary; and such other assistant commissaries as may be appointed shall for their services receive a salary not exceeding sixty dollars per month for the time in actual service, to be paid in the same way and manner as the quartermaster-general and adjutant-general are paid.

Compensation.

SEC. 4. That section sixty-six be amended so as to read as follows:

May complete organization of medical department; compensation of officers therein.

Sec. 66. The commander in chief, when in his opinion it becomes necessary, may complete the organization of the medical department by appointing a surgeon-general, with the rank of colonel, who shall for his services receive an annual salary at the rate of twelve hundred and fifty dollars per annum for the actual time employed: Provided, that any pay or emoluments received by said surgeon-general from the United States government, during the time actually employed in the service of the state, shall be deducted from the salary aforesaid; and for each division a hospital surgeon, with the rank of a lieutenant colonel; and for each brigade a hospital surgeon, with the rank of major; and may call any or all of said officers into actual service when their services may be found necessary; to be paid in the same way and manner as the quartermaster-generals are paid.

SEC. 5. That sections thirty-four, forty-one, sixty-five and sixty-six of said act be and the same are hereby repealed.

SEC. 6. This act shall take effect from and after its passage, and continue in force until six months after the close of the present rebellion or war.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

Supplementary to an act entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859.

Board of appraisers and assessors for R.R. company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county auditors of the several counties in this state in which any railroad company now has, or hereafter may have its track and road-way, or any part thereof, shall constitute a board of

appraisers and assessors for such railroad company. Any railroad company having its road, or any part thereof, in one county only, the auditor of such county shall constitute such board.

SEC. 2. The auditor of the county where such railroad company has its principal office, if such principal office is in this state, and if such principal office is not in this state, then the auditor of the county having the largest city or village upon the line of such road, shall be the president of said board, whose duty it shall be to appoint the time and place for the meeting of such board, and notify the proper county auditors of the same at least five days before the time appointed for such meeting. In the absence or inability of the president, the board shall appoint one of its members president pro tem. In all meetings of any such board a majority of such county auditors shall constitute a quorum, and a majority of those present at any meeting having a quorum shall decide all questions submitted. Each board shall appoint one of its number secretary, and full minutes of its proceedings shall be kept.

President of board.

Quorum.

Secretary.

SEC. 3. It shall be the duty of each board to meet annually in the month of June in the present and each succeeding year, at such times as the president thereof may appoint, and if no meeting is appointed by him before the third Tuesday [in] June, the several county auditors shall meet on that day in the place where the proper railroad for which said auditors constitute the board as aforesaid has its principal office, or in the principal city or village upon the line of such road, as the case may be, and proceed to ascertain all the personal property, which shall be held to include road bed, water and wood stations, and such other realty as is necessary to the daily running operations of the road, moneys and credits of such company, and the actual value thereof in money. Such boards shall have power to require from the president, secretary, receiver, and principal accounting officer of such road, a detailed statement, under oath, of all the items and particulars constituting such property, moneys and credits, and the value thereof, and may examine the books and papers of such road, and any or all of its officers, receivers, servants or agents, under oath, touching any matter relating to the same. Any county auditor present at such meeting is authorized and empowered to administer such oath.

Board to meet annually in June.

—shall ascertain value personal property of company.

—may require sworn statement of such property from president, etc., of company.

—and examine books, papers and officers, etc., of road
Auditor present may administer oath.

SEC. 4. Any president, secretary, receiver, accounting officer, servant or agent, of any railroad company having any portion of its road-way in this state, who shall refuse to attend before the proper board of appraisers and assessors when required so to do, or refuse to submit to the inspection of said board any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said board or its order, touching the business, property, moneys and credits, and the value thereof, of said railroad company, shall be guilty of a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days, and be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, receiver, accounting officer, servant or agent as aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such board, and may be confined by order of said board in the jail of the proper county until he shall comply with such order, and pay the costs of his imprisonment.

Penalty for officers, etc., refusing to comply with requirements of board.

Contempt of board—punishment.

Perjury.

Any president, secretary, receiver, accounting officer, servant or agent of any railroad company, who shall knowingly make any false answer to any question put to him by such board, or by its order, touching the business, property, moneys and credits, and value thereof, of said railroad company, shall be guilty of perjury.

Board to apportion valuation among proper counties—and how.

SEC. 5. The value of such property, moneys and credits of any railroad company, as found and determined by such board, shall be apportioned by said board among the several counties through which such road, or any part thereof, runs, so that to each county, and to each city, incorporated village, township and district, or part thereof therein, shall be apportioned such part thereof as shall equalize the relative value of the real estate, structures, and stationary personal property of such company therein, in proportion to the whole value of the real estate, structures, and stationary personal property of such railroad company in this state; and so that the rolling stock of such company shall be apportioned in the same proportion that the length of such road in said county bears to the entire length thereof in all said counties or county, and to each city, incorporated village and district, or any part thereof therein; and the board shall certify to the county auditor of each county, and to each city, incorporated village, township and district, or any part thereof therein interested, the amount apportioned to his county. It shall be the duty of the county auditor, upon receiving such certificate, to apportion the amount therein stated to the cities, incorporated village, townships, district, or part thereof.

—and certify apportionment to the county auditors.
—who shall apportion to townships, cities, etc.

Appeal.

SEC. 6. Any railroad company may appeal from the decision of the board, fixing the valuation of its road as aforesaid, to the auditor of state, within thirty days thereafter, upon giving such board, or the president thereof, five days notice of the time appointed for hearing the same. The auditor of state shall decide all such appeals, and his decision shall be final.

Compensation of members of board.

SEC. 7. Each county auditor shall be paid from the treasury of his county, the sum of three dollars for each day's attendance as a member of any board aforesaid under this act, and five cents a mile going to and returning from its place of meeting.

How portion of value for this state found when part of road in another.

SEC. 8. When any railroad company has part of its road in this state, and part thereof in any other state or states, the proper board shall take the value of such property, moneys and credits of such company so found and determined as aforesaid, and divide it in the proportion the length of such road in this state bears to the whole length of such road, and determine the principal sum for the value of such road in this state accordingly, equalizing the relative value thereof in this state, as provided in the fifth section of this act.

Sw. & Cr. 1446.

SEC. 9. So much of section sixteen of the act entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859, as relates to railroad companies, and is inconsistent with this act, be and the same is hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1st, 1862.

AN AOT

For the assessment and taxation of express and telegraph companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each agent of any express company or telegraph company, having its principal office in any other state or country, and doing business in this state, shall, annually, in the month of May, make and deliver to the auditor of the proper county in which such agent has his place of business, a statement, verified by the oath of such agent, showing the receipts of such agent for and on account of such company, for the business transacted within this state by such company; and also its proportion of receipts for business done by such company in connection with lines of other companies outside of the limits of this state: Provided, that the amount which any such express company is required to pay within this state, for transportation expenses within this state, may be deducted from the gross amount of the receipts of such express company as above ascertained, and the balance thus found shall be placed upon the county duplicate: Provided, also, that the agent of any telegraph office, in making out the statement herein required of the receipts of such office, may deduct therefrom the necessary expenses of such office; and the taxes received from such companies shall be distributed in the same manner as other taxes on the county duplicate; Provided, further, that nothing herein shall release such company from the provisions of section sixteen of an act entitled "an act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5, 1859: Provided, further, if such company have a principal agent within this state, superintending its other agents within this state, and to whom its other agents account for all the receipts and expenses of their respective agencies, then such principal agent may make the returns (in their respective counties) herein required in accordance with the provisions of this act, of all the agencies within this state.

The annual statement required of certain express and telegraph companies.

Express agent may deduct transportation expenses.

Telegraph agent may deduct necessary expenses of office. Taxes to be distributed as other taxes. *Proviso.*

When statement of principal agent will answer for all the agencies.

SEC. 2. If any agent of such express or telegraph company shall neglect or refuse to make and return such statement, it is hereby made the duty of the auditor of the county in which such agent has his office or place of business, to ascertain the amount so received by such agent, and for that purpose he is hereby authorized to institute proceedings in the probate court of the proper county in the name of the state of Ohio, against said agent, to compel the appearance of such agent before said court, to answer such questions as may be put to him relating to his said agency and the subject matter thereof. It shall be the duty of said probate judge, on complaint of any county auditor that any such agent has refused or neglected to make the statement required in the first section of this act, to compel the attendance of said agent before him by the process of the court, and then and there to require him to answer, under oath, all questions that may be put to him relating to his said agency; which examination shall be reduced to writing by said judge, and the costs of such proceedings shall be taxed against said agent personally, and collected as in case of judgments of said courts.

Proceedings in probate court when agent refuses to make such statement.

SEC. 3. From the examination aforesaid, and such other information as the auditor can obtain, he shall ascertain the receipts of said agent, and enter the sum upon his duplicate, with fifty per cent. penalty thereon.

Sum and penalty to be entered on duplicate.

Perjury.

SEC. 4. Any agent who shall make a false statement, or swear falsely in such examination before the probate court, shall be deemed guilty of perjury, and on conviction thereof, shall be punished by confinement in the penitentiary not more than five years.

Who deemed express, or telegraph company.

SEC. 5. Any person or persons, joint stock association or corporation, conveying to, from, or through this state, or any part thereof, money packages, gold, silver, plate, or other article, by express, not including the ordinary lines of transportation of merchandise and property, in this state, shall be deemed to be an express company; and any person or persons, joint stock association or corporation, engaged in transmitting to, from, through or in this state, telegraphic messages, shall be deemed and held to be a telegraph company.

**Duty of agent to retain money and pay taxes
Distress and sale.
Proviso.**

SEC. 6. It shall be the duty of each agent aforesaid to retain in his hands, and pay to the treasurer of the proper county, the taxes so assessed, and in default thereof, if the receipts of his office are sufficient for that purpose, the treasurer shall proceed to collect the same by distress and sale of the personal property of said agent: Provided, that where there is more than one such agent of the same company in one county, the agent thereof in the principal city, town, or village of such county, may assume the payment of such tax, and upon so doing the other agents in the same county shall not be required to retain funds to pay the same.

Unlawful to act as agent 30 days after tax due and unpaid.

SEC. 7. If the taxes so assessed against any express company or telegraph company in any county in this state, shall remain due and unpaid to the treasurer of such county for the period of twenty days after the time provided by law for the payment thereof, it shall be unlawful for any person or persons, or corporations, to act as agents or do or transact any business for such company so in default in such county, until said tax and interest and penalty is fully paid. Any person, or agent, manager or clerk of any corporation, who shall, after such default, directly or indirectly act as agent of, or do or transact any business whatever on account of or for the benefit of such company so in default, other than the payment of said tax, shall be held to be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than one nor more than five hundred dollars, or punished by imprisonment in the county jail, and fed on bread and water only, not exceeding thirty days, or both, at the discretion of the court. After such default, made as aforesaid, any railroad company which shall, directly or indirectly, convey or carry for said defaulting express or telegraph company any packages of money, merchandise, or other articles, or transmit any telegraphic message, after having notice of such default, shall for every such offense forfeit and pay a sum equal to the amount of such tax due and unpaid, with the interest and penalty thereon, to be recovered by an action in the name of the state of Ohio, in the county where such tax is assessed, with costs of suit.

Penalty for so doing.**Penalty for certain acts of R.R. company after notice of default**

SEC. 8. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, A. D. 1862.

AN ACT

To amend "an act to provide for the regulation and management of the institutions of the blind and the deaf and dumb," passed April 8, 1856. Sw & Cr. 187.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of said act be amended so as to read as follows:

Sec. 3. That each board of trustees shall have the government and control of its respective institution, with power to appoint and remove, for sufficient cause, the superintendent and teachers; to fix the compensation which each shall receive: Provided, that the superintendent of each of the above institutions may receive a sum for their services not exceeding ten hundred dollars each per annum, and the stewards of said institutions a sum not exceeding five hundred dollars per annum, the physician a sum not exceeding two hundred dollars per annum, the matron a sum not exceeding three hundred dollars per annum, the assistant matron a sum not exceeding two hundred dollars per annum: Provided, also, that the instructors in the institution for the deaf and dumb may each receive for their services a sum per annum not exceeding nine hundred dollars; the teachers in the institution for the education of the blind may each receive for their services per annum a sum not exceeding six hundred and fifty dollars. All of said officers to be paid quarterly out of the state treasury, on the warrant of the auditor.

Powers of board of trustees.

Limit of salaries.

Instructors' compensation.

Sec. 2. That section three of said act be and the same is hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

To provide for locating, establishing and constructing ditches, drains, and water-courses in townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of any township in this state shall have power, whenever in their opinion the same is demanded by, or will be conducive to, the public health, convenience or welfare, to cause to be established, located and constructed, as hereinafter provided, any ditch, drain or water course within such township.

Power of township trustees.

Sec. 2. That before the township trustees of any such township shall take any steps towards locating or establishing any ditch, drain or water-course, there shall be filed with the township clerk a petition from one or more persons owning lands adjacent to the line of any such proposed ditch, drain or water-course, setting forth the necessity of the same, with a description of its proposed starting point, route and terminus, and shall at the same time file a bond, with good and sufficient sureties, to the acceptance of said township clerk, conditioned to pay all expenses incurred in case the trustees shall refuse to grant the prayer of the petition; and it shall be the duty

Petition.

Bond—its condition.

Notice.

of the petitioner, immediately upon the filing of such petition, to notify, in writing, the owner or one of the owners of each tract of land along the route of such proposed ditch, drain or water-course, of the pendency and prayer of said petition, and of the time and place when and where the same shall be heard, which time and place shall first be determined by a majority of said trustees, upon being notified by the clerk of such township of the pendency of such petition; and in case any such owner shall not be a resident of the county, or should any party or parties in interest die during the pendency of the petition and proceedings thereon, such death shall not work an abatement of such proceedings, but the trustees, on being notified thereof, shall make such order as they may deem proper for giving notice to the person or persons succeeding to the right of such deceased party or parties, and notice of the pendency and prayer of said petition, and the time of hearing the same, shall be given to such owner or persons, by publication for two consecutive weeks in some newspaper published or of general circulation in said county.

Proceedings to obtain compensation for lands appropriated.

SEC. 3. That any person or persons claiming compensation for lands appropriated for the purpose of constructing any ditch, drain or water-course, under the provisions of this act, shall make his, her or their application in writing therefor to the clerk of such township, on or before the day appointed for the hearing of said petition, which application shall be laid by said clerk before the trustees; and on failure to make such application, such owner or owners shall be deemed and held to have waived his, her or their right to such compensation.

Proceedings on hearing the petition.

SEC. 4. That said trustees, on the day set for the hearing of said petition, shall, if they find that said bond has been filed and said notice been given, proceed to hear and determine said petition, and, if they deem it necessary, shall view the premises along said proposed route; and if they find such ditch, drain or water-course to be necessary, and that the same is demanded by, or will be conducive to, the public health, convenience and welfare, shall proceed to locate and establish such ditch, drain or water-course in conformity with the route specified in the petition, and they shall at the same time examine into and determine all applications made to them for compensation, as provided for in the third section of this act, and shall specify the several amounts, by whom and to whom to be paid, and the time of payment. Said trustees, in hearing and determining said petition, may call to their assistance a surveyor to locate and measure the course of such ditch, drain or water-course, and may adjourn from time to time to determine their proceedings herein; and the said township clerk shall make a full and complete record of all such proceedings in the journal of the proceedings of the trustees of such township.

Division of work into sections.

SEC. 5. The said township trustees, whenever they shall have established any such ditch, drain, or water-course, shall divide the same into suitable sections, not less in number than the number of owners of land through which the same may be located, and shall also prescribe the time within which the work upon such sections shall be completed and by whom done. And said trustees shall assess and allow the costs and expenses of locating and establishing such ditch, drain, or water-course, and shall apportion the payment of the same equitably among the parties to be benefited by such ditch, drain, or water-course.

Assessment and apportionment of expenses

Sec. 6. It shall be lawful for any person interested in the location of such ditch, drain, or water-course, or in the amount of compensation determined upon by said trustees, to take an appeal from the proceedings of said trustees to the probate court of such county, by giving written notice thereof to the clerk of such township, within five days after the decision of said trustees, and by filing with such clerk a bond, with two or more sufficient sureties, conditioned for the payment of all costs made upon such appeal, in case the decision of said trustees shall be sustained in said probate court, which bond shall be made to the acceptance of said township clerk and the probate judge of such county, their acceptance endorsed on the same and filed by said probate judge, with the other papers in the case. That the township clerk shall thereupon, at the request of the person so appealing, his agent or attorney, make out and deliver to such person, his agent or attorney, a full and complete certified transcript of the proceedings had in the case, which transcript shall be filed with the probate judge of such county within ten days from the filing of such bond.

Appeal to probate court, and appeal bond.

Transcript.

Sec. 7. It shall be the duty of the probate judge, upon the filing of such bond and transcript, as provided for in the sixth section of this act, to impanel a jury of twelve disinterested freeholders of the county (who shall not be residents of such township,) who shall constitute a jury for such case, and said probate judge shall issue over his hand and seal of office a notice of such appointment, directed to the sheriff of such county, returnable on a day not exceeding forty days therein named, which notice shall also specify the time of meeting of said jury in said probate court. That it shall be the duty of the appellant to notify in writing all persons so interested in the location of such ditch, drain, or water-course, of the time fixed by the probate judge for the meeting of such jury, and if any person shall reside out of the state, or cannot be served in writing with such notice, said probate judge being notified of that fact, shall cause such notice to be published for three consecutive weeks in some newspaper printed and of general circulation in said county; that proof of the publication of such notice shall be filed in such probate court before the meeting of said jury, together with proof of the service of such notice in writing, on all such persons interested as aforesaid, at or before the time so specified.

Proceedings upon the appeal.

Sec. 8. That at the time specified in said notice, said probate judge shall hear and determine all preliminary questions pertaining to such case, and shall thereupon administer an oath to said jury, faithfully and impartially, and upon actual view of the premises, report in writing to said court: First, whether it will be conducive to the public health, convenience, or welfare, to cause said proposed ditch, drain, or water-course, to be established or located; Second, the amount of compensation due to each person in case of the location of the same; and Third, the amount of labor to be performed by each person interested in the opening and constructing of the same. That said jury shall file such report with the probate judge within five days after taking such oath, specifying the sections and work to be done, as provided in section five of this act. The probate judge is hereby authorized to adjourn the proceedings in the premises from time to time, as circumstances may require.

Same.

Sec. 9. Upon the return of the report of said jury, said probate judge shall make a record of all their proceedings had in such case

Same.

before him, and shall also make such order as to the payment of compensation for land used, for work to be performed, and as to the time of payment and opening and locating such ditch, drain, or water-course, as said jury shall report, and shall also tax such costs in said proceedings as are provided for by law in similar cases, which costs, together with those made before said township trustees, shall be divided, to be paid in fair proportion amongst the several persons interested in the location of such ditch, drain, or water-course, in conformity with the report of said jury: Provided, that if the report of such jury shall not be in favor of the appellant, all costs made on such proceedings in said probate court shall be taxed to and paid by such appellant and collected as judgments at law in other cases; and provided also, that said township trustees shall be allowed one dollar per day for each day employed in such case, and said jury shall be allowed one dollar per day each, together with mileage from their respective residences to the probate court and to the place of said proposed ditch, drain, or water-course, at the rate of five cents per mile.

When and how probate court may sell out work to lowest bidder.

Sec. 10. That said ditch, drain, or water-course, shall be opened and worked, and compensation for land used in the construction of the same, paid within the time specified in the order of said probate judge, and that at the expiration of such time, any such work remaining undone, and the probate judge being notified of that fact, he shall immediately give notice of the sale of such work by sections, or parts of sections of said ditch, drain, or water-course, to the lowest bidder, by written or printed handbills. The time of such sale shall not be less than ten nor more than twenty days from the date of the notice, and the place of sale shall be either at the door of the court-house, or at the proposed terminus of such ditch, as said probate judge shall direct. That said probate judge shall take such security for the performance of such work as he may deem necessary, and he shall immediately after such sale enter his proceedings on his journal and make them a part of the record in such case, and shall thereupon certify to the auditor of the county the several amounts, including costs apportioned, so assessed against each owner or person interested as aforesaid, describing each piece or parcel of land so to be charged, and the said auditor shall thereupon enter the same on the duplicate of such township, to be collected as other taxes are collected.

—and collection of amounts, costs, etc., by taxation.

Proceedings stayed by appeal.

When no appeal, how and when trustees may sell out work to lowest bidder.

Sec. 11. As soon as an appeal shall be perfected from the decision of said township trustees, all further proceedings before them on said petition shall be stayed; but if no appeal shall be taken, as provided for in the sixth section of this act, then it shall be the duty of the said trustees, upon the expiration of the time specified by them for the opening of such ditch, drain, or water-course, to sell such work by such sections to the lowest bidders, by setting up written or printed notices of such sale in at least three of the most public places in such township, specifying the time when such work shall be completed; and said trustees may take such bond or other security for the performance of such work as they may deem proper. Said township trustees shall make a fair and just estimate of the amount of the costs made in all such proceedings, to be paid by each person interested in such proposed ditch, drain, or water-course, and collect and pay out the same in conformity with such estimates; and they are hereby authorized to bring suit before any justice of

Collection of costs by suit.

the peace for the amount so assessed against any person, and a certified copy of their proceedings from the journal of such township shall be prima facie evidence of such indebtedness. No order for the opening or sale of such ditch, or any part thereof, shall be made, until the full amount of such compensation for land appropriated shall have been paid.

Seco. 12. Immediately after the sale of any such sections or parts of sections as provided for in the eleventh section of this act, said trustees shall certify to the auditor of such county the amount each section sold for, adding the proportionate amount of cost and expenses of such sale, together with a correct description of the premises, and said auditor shall place the same on the duplicate to be collected as other state and county taxes are collected. As soon as such work shall be completed in conformity with such sale and to the satisfaction of said trustees, said trustees shall certify the amount due to each person to the auditor of the county, and said auditor shall draw orders for the payment of such amount out of the county treasury: Provided, that any person interested may pay the amount of the purchase money and proportionate share of cost and expenses as aforesaid to said trustees at any time before the same are charged on the duplicate, to be paid by said trustees to the purchaser of such section or sections respectively.

Costs and purchasers to be paid by taxes levied and collected.

Proviso.

Seco. 13. If the jury so appointed by said probate judge, shall report in conformity with the proceedings of said trustees, as far as the interest of the person so appealing shall be concerned, then and in that case, all costs made on such appeal shall be taxed against such appellant.

When appellant to pay costs.

Seco. 14. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

Prescribing the fees of county treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county treasurer, on settlement semi-annually with the county auditor, shall be allowed for the collection, safe-keeping and disbursement of the money arising from the assessment of taxes on the grand duplicate of the county, on any sum so collected, not exceeding five hundred thousand dollars, three-fourths of one per cent.; and on the excess of any sum over five hundred thousand dollars, two-fifths of one per cent. In addition to said allowance, in counties where the assessment of taxes on the grand duplicate is less than one hundred and fifty thousand dollars, and over one hundred thousand dollars, the county treasurer shall, at such semi-annual settlement, be paid the further compensation of one hundred dollars out of the county treasury, on the warrant of the county auditor; and in counties where the assessment of taxes on the grand dupli-

Per centage on taxes.

Additional allowance.

cate of the county is less than one hundred thousand dollars, the county treasurer shall, at such semi-annual settlement, be paid the further compensation of one hundred and fifty dollars out of the county treasury as aforesaid.

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Sec. 2. That section first of the act to which this is amendatory is hereby repealed.

Sec. 3. This act to take effect and be in force from and after the first day of September next.

JAMES R. HUBBELL;
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

Sw. & Cr. 567
and 569.

To amend sections three and thirteen of an act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three and thirteen of the above recited act be so amended as to read as follows :

Executor's
bond to the
state of Ohio.

Sec. 3. Every executor, before entering upon the execution of his trust, shall give bond, with two or more sufficient sureties, in such sum as the court shall order, payable to the state of Ohio, with condition as follows :

—its condi-
tion.

First—To make and return to the court, on oath, within three months, a true inventory of all the moneys, goods, chattels, rights and credits of the testator which are by law to be administered, and which shall have come to his possession or knowledge ; and also, if required by the court, an inventory of the real estate of the deceased ;

Secondly—To administer according to law, and to the will of the testator, all his goods, chattels, rights and credits, and the proceeds of all his real estate, that may be sold for the payment of his debts or legacies, which shall at any time come to the possession of the executor, or to the possession of any other person for him ; and

Thirdly—To render, upon oath, a just and true account of his administration, within eighteen months, and at any other times when required by the court or the law ; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal that such delay was necessary and reasonable.

None to act
but those giv-
ing bond.

And when there are two or more persons appointed executors, none shall intermeddle or act as such but those who actually give bond as before prescribed.

Administra-
tor's bond to
the state.

Sec. 13. Every administrator shall, before entering on the execution of his trust, give bond, with two or more sufficient sureties, in such sum as the court shall order, payable to the state of Ohio, with condition as follows :

—its condi-
tion.

First—To make and return into court, on oath, within three months, a true inventory of all moneys, goods, chattels, rights and credits of the deceased, which have or shall come to his possession or knowl-

edge ; and also, if required by the court, an inventory of the real estate of the deceased ;

Secondly—To administer, according to law, all the moneys, goods, chattels, rights and credits of the deceased, and the proceeds of all his real estate that may be sold for the payment of his debts, which shall at any time come to the possession of the administrator, or to the possession of any other person for him ;

Thirdly—To render, upon oath, a true account of his administration, within eighteen months, and at any other times when required by the court or the law ; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal that such delay was necessary and reasonable ;

Fourthly—To pay any balance remaining in his hands upon the settlement of his accounts, to such persons as the court or the law shall direct ; and

Fifthly—To deliver the letters of administration into court, in case any will of the deceased shall be thereafter duly proved and allowed.

Sec. 2. That sections three and thirteen of the above recited act, to which this is amendatory, be and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after the first day of July, eighteen hundred and sixty-two.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

To amend section four of an act entitled "an act to amend section two of the act entitled an act to relieve the district court and to give greater efficiency to the judicial system of the state, passed April 12, 1858, and supplementary to said act," passed March 31, 1859, and took effect April 15, 1859.

Sw. & Or.
1159.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of said act be amended to read as follows :

Sec. 4. The opinion of the court allowing or disallowing a second trial shall be entered upon the journal of the court, and if in favor of the allowance of said second trial then the undertaking required by the said second section shall be entered into within the time and in the manner following : In all counties of the state where the number of inhabitants exceeds fifty thousand, within thirty days after the entry of the allowance ; and in all counties of less than fifty thousand inhabitants, within thirty days after the term of the court in which said allowance was made.

Order allowing or disallowing a second trial.

Undertaking—when to be filed.

Sec. 2. That in all cases where a second trial has been allowed and the amount of the undertaking fixed by the court, the party demanding the second trial may, within the time specified in the foregoing section, deposit with the clerk of the court the amount of money so fixed by the court, which amount shall be received by the clerk in lieu of said undertaking in said section mentioned ; and fur-

Deposit of money in lieu of undertaking.

thermore, that the provisions of this section be extended to all cases now pending.

Sec. 3. That said original section four be and the same is hereby repealed.

Sec. 4. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

Sw. & Cr. 1921 To amend section one of an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12th, 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12th, 1858, be so amended as to read as follows :

Criminal jurisdiction.

Section 1. That in the counties of Lucas, Montgomery, Erie, Richland and Scioto, the probate court shall have, in addition to the jurisdiction now conferred upon it by law, concurrent jurisdiction with the court of common pleas in the punishment of all crimes, offenses or misdemeanors, except those the punishment whereof is capital, or by imprisonment in the penitentiary, or those crimes, offenses or misdemeanors, the original or exclusive jurisdiction of which is vested in justices of the peace, or in the mayor or magistrate of a town or city.

Saving.

Sec. 2. That said original section one be and the same is hereby repealed: Provided, however, that such repeal shall not affect any crimes, offenses or misdemeanors, that may have been committed, or that may be pending in the probate court of said last named counties, when this act shall take effect.

Counties exempted from operation of amended act.

Sec. 3. That the true intent and meaning of this act is to exempt the counties of Holmes, Delaware, Franklin and Jefferson, from the operation of the provisions of the above entitled act, passed April 12, 1858, and all acts and part of acts amendatory thereto.

Sec. 4. This act shall take effect from and after the first day of July, 1862.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

Amendatory and supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirty-seven of an act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, be so amended as to read as follows: Sw & Cr. 296.

Sec. 37. That if any person or persons, using any such turnpike or plank road, shall, with intent to defraud any such turnpike or plank road company, or to evade the payment of toll, pass through any private gate or bars, or along any other ground near any turnpike or plank road gate, which shall be erected in pursuance of this act, or shall practice any fraudulent or forcible means with intent to evade or lessen the payment of such toll, each and every person concerned in any such fraudulent or forcible practices, shall, for every such offense, forfeit and pay to the president, directors and company owning such turnpike or plank road, the sum of five dollars, to be recovered with costs of suit, before any justice of the peace of the county in which such offense may have been committed, without stay of execution: Provided, that nothing in this act shall be so construed as to prevent persons using any such road between the gates for common purposes.

Evasion of tolls.

—penalty.

Proviso.

Sec. 2. That it is hereby further provided that any turnpike or plank road company may, by any officer, gate keeper, or other agent of said company, contract with any person or persons for the privilege of using any portion of such road lying or being between any two gates, placed on said road for the collection of tolls; and it shall be the duty of such officer, gate keeper, or agent, upon fair and equitable terms, to grant to any such person desiring to use any portion of such road lying or being between any two toll-gates or between any such gate and the junction of any such road with any other turnpike or plank road, and not within eighty rods of any incorporated village or city, a written permit to do so, at a rate per mile not exceeding that allowed by law to be charged to a person or persons using the road in any manner, and passing through a gate or gates on said road. And it shall be the duty of every such turnpike or plank road company, through or by some officer or agent of the company, to offer to each and every person of whom they may desire to collect toll for intermediate travel between gates on their road, or between any such gate and the junction of any such road with any other turnpike or plank road, a written permission to use such road or any part of such road, upon such terms as may be agreed upon by the parties, not inconsistent with the laws regulating the price of tolls on such roads; or if the parties fail to agree, either as to the price of such privilege, or terms of payment, then upon such terms as the company is authorized by law to charge persons for the use of the road, who pass through a gate or gates on said road.

Contracts as to intermediate travel.

Duty of company to tender written permission.

Sec. 3. That if any person or persons to whom a written permission has been offered or tendered, as herein provided, for traveling on or in any manner using any turnpike or plank road, without right to pass thereon free from toll, or not having a written per-

Penalty for refusing to pay toll after such tender made.

mission from the company owning such road, shall neglect or refuse to pay toll, at the rate or rates prescribed by law, every such person or persons so neglecting or refusing shall be liable to pay double the amount of such toll, to be recovered, with costs of suit, by such company, before any justice of the peace of the proper township.

Gate keeper
deemed agent
of company,
etc.

—and judgment against
agent is such
against company,
etc.

Sec. 4. That the keeper of a gate on any turnpike or plank road, as authorized by the act to which this is amendatory and supplementary, shall be deemed and held to be the agent of the company or person owning such road; and any judgment which may be obtained against any such gate keeper for a violation of the act aforesaid, shall be considered and held to be a judgment against the company or person owning said road, and execution may issue thereon accordingly against the said gate keeper, company, or person aforesaid.

Sec. 5. That section thirty-seven of an act entitled "an act for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, is hereby repealed.

Sec. 6. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

To provide a board of commissioners to examine certain military claims, and making an appropriation for their payment.

Who to compose board.

Acts under which claims to be examined arise.

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58 vol. 95.

58 vol. 107.

58 vol. 126.

58 vol. 124.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state, secretary of state and comptroller of the treasury, are hereby constituted a board of commissioners to examine and adjust claims against the state, the payment of which is not otherwise provided for, arising out of military transactions under the following acts, namely: "an act to provide for the defense of the state and for the support of the federal government against rebellion," passed April 18, 1861; "an act to provide for the rapid organization of the militia of Ohio enlisted under the requisition of the president of the United States," passed April 23, 1861; "an act to provide more effectually for the defense of the state against invasion," passed April 26, 1861; "an act to amend sections two and three of an act entitled 'an act to provide more effectually for the defense of the state against invasion,' passed April 26, 1861," passed May 8, 1861; "an act relating to the organization of the militia volunteers called into the service under the act entitled 'an act to provide for the rapid organization of the militia of Ohio enlisted under the requisition of the president of the United States,' passed April 23, 1861, and the act entitled 'an act to provide more effectually for the defense of the state against invasion,' passed April 26, 1861," passed May 9th, 1861; and all other acts and parts of acts heretofore passed for the purpose of suppressing rebellion or resisting invasion, under the authority of this state or of the general government. To said board shall be referred all claims against the state, the payment of which is not otherwise provided for, arising out

of said military transactions under the acts aforesaid ; all claims for damages to property arising out of the execution or attempted execution of any order under the acts aforesaid, given by the governor, or by any other military officer appointed or commissioned by the governor ; all claims for pay of militia or volunteers enlisted, ordered into camp or detained in camp by order of the governor, or any officer acting by his authority, under any of the acts aforesaid, although such militia or volunteers may have been discharged without being mustered into service ; all claims for pay of persons serving as state militia or troops under any of the acts aforesaid, including all commissioned and non-commissioned officers, surgeons and assistant surgeons, musicians and privates, while in the service of the state or United States, called into service, enlisted or appointed under either of said acts, for the time they are not entitled to receive compensation from the general government, computing such pay from the date of enlistment and service. And in determining the amount of pay to which any person so serving may be entitled, said board shall be governed by the rates prescribed in the fifth section of the "act to provide for the rapid organization of the militia of Ohio enlisted under the requisition of the president of the United States," passed April 23, 1861 ; and where said section does not prescribe the rate of pay, the board shall fix it at such rate as may be just and equitable, having reference to the rank or grade of the claimant in the service ; but no claim shall be considered or allowed unless presented within six months after the passage of this act, and clearly embraced in the foregoing enumeration of claims : Provided, that all claims for damages to property, arising out of the execution or attempted execution of any order given by the governor or other officer, shall not be paid by said board, but reported to the legislature at its next adjourned session.

SEC. 2. The said board of commissioners shall have power to call witnesses before them, and examine them under oath, which oath each of said commissioners is hereby authorized to administer ; to require the production of books and papers ; to make all necessary rules and regulations, general or special ; and to decide all claims upon just and equitable principles. Whenever said commissioners shall have decided upon, allowed or rejected a claim, or any part thereof, they shall indorse their decision thereon, which decision shall be final and conclusive, and shall not be re-examined. Each act or decision of a majority of the commissioners shall have the same force and effect as if made by all the members of the board. Said board shall receive no compensation for this service, but is hereby authorized to employ a competent clerk and fix his compensation, not to exceed six hundred dollars per annum, which shall be paid from the appropriation contained in this section ; and there is hereby appropriated from any money refunded, or, if that be insufficient, from that which may be refunded by the United States, as aforesaid, the sum of one hundred thousand dollars, to pay the claims which may be allowed by said board of commissioners.

SEC. 3. Until a sufficient amount of money to meet the appropriations contained in this act shall have been received from the United States, the auditor of state may, and he is hereby authorized, if he shall deem it expedient, temporarily to transfer from the general revenue fund to the military fund, such portion of said general

Character of claim.

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Claims must be presented within six months. Board to report certain claims to legislature.

Powers of board.

Appropriation.

Funds may be transferred to pay appropriation.

revenue fund, not required or authorized by law to be used for other purposes, as may be deemed necessary to pay said appropriations.

Powers of
board to end
Dec. 15, 1862.
Report to
governor.
Vouchers.

SEC. 4. The powers herein conferred upon said board shall end on the fifteenth day of December, A. D. 1862, on or before which day it shall report the results of its investigations to the governor, to be by him presented to the next general assembly. The said board shall take and preserve vouchers of all claims allowed, in the proper form, and with a view to having the same refunded by the United States.

SEC. 5. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

Prescribing the fees of county auditors.

Compensation
per annum.

Additional
compensation.

Clerk hire.

Additional
allowances for
certain coun-
ties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several county auditors in this state shall hereafter receive compensation per annum for their services as follows: In counties having by the last preceding enumeration of male inhabitants above the age of twenty-one years, taken under the authorities of this state, no more than two thousand four hundred such inhabitants, the county auditor shall receive eight hundred dollars for each year; and in counties having more than two thousand four hundred such inhabitants, the auditor shall receive the like sums respectively, and in addition thereto shall receive for each year the sum of forty dollars for each additional two hundred such inhabitants above twenty-four hundred in such county; such compensation to be paid out of the county treasury, on the order of the county commissioners: Provided, that the county commissioners shall have power to make such additional allowance for compensation, not exceeding twenty-five per cent. on the amount allowed by this act, out of the county treasury, as they may deem necessary and proper for clerk hire in those years in which real estate appraisements are made, whenever, in their opinion, the compensation allowed by this act is not sufficient to pay for the same; and the compensation to be allowed according to the provisions of this act to county auditors, after the taking of any future enumeration of male inhabitants over twenty-one years of age, under the authorities of this state, shall be as herein established in every county according to its population as herein classified, as ascertained from time to time by such enumeration: Provided, that the county commissioners of counties having more than thirty thousand such male inhabitants may allow from the county treasury annually such additional compensation to the auditor as they may deem just, not exceeding four thousand dollars; and in counties having a population of such male inhabitants over thirteen thousand, and less than thirty thousand, the county commissioners may allow to the auditor of such county an additional compensation, to be paid out of the treasury of such county, not exceeding one thousand dollars in each year.

Sec. 2. The several county auditors of this state shall be authorized to charge and receive for their own use, in addition to the compensation provided for in section first of this act, the following fees, viz: For certificate of sale of school lands, to be paid by the purchaser, fifty cents; for certificate of payment of installment into the treasury on school lands, to be paid by purchaser, twenty-five cents; for final certificate of payment for school lands, to be paid by purchaser, one dollar; for certificate of sale of land for taxes, to be paid by the purchaser, ten cents; for deed of land sold for taxes, one dollar and twenty-five cents, to be paid by the purchaser; for any entry or transfer of land for taxation, to be paid by persons requiring the same, ten cents.

Fees in addition.

Sec. 3. That the act entitled "an act to regulate and limit the compensation of county auditors," passed February 7, 1861, be and the same is hereby repealed: Provided, that this act shall not affect the right of any county auditor who may have entered upon the duties of his office on or after October 1st, 1861, and before the taking effect of this act, to the per annum compensation named in said act so repealed, during his term of office, nor to affect the compensation of any county auditor who may have entered upon the duties of his office prior to October 1st, 1861, except that any such auditor shall be entitled to receive for his services, from and after the taking effect of this act, during his term of office, the compensation provided for in said act of February 7, 1861, and no more. This act shall take effect and be in force from and after its passage.

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Proviso.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

Making appropriations of general revenue for the year 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to former appropriations, be and the same are hereby appropriated of any money in the state treasury belonging to the general revenue, to be paid out according to existing laws, namely:

Appropriations.

For the payment of the salaries of the governor, auditor, secretary of state, treasurer, attorney-general, comptroller, commissioner of common schools, commissioner of statistics, librarian, and private secretary of the governor, thirteen thousand six hundred dollars.

Officers in state departments.

For the payment of the lieutenant-governor, members of the general assembly, their clerks and assistants, sergeants and assistants, messengers and reporting clerks, under joint resolutions of this assembly, forty thousand dollars.

General assembly.

For the payment of the salaries of the judges of the supreme court, courts of common pleas, and superior courts, eighty-four thousand two hundred dollars.

Judges.

For the payment of the salaries of the clerks in the office of the auditor of state, five thousand dollars.

Clerks of state officers.

For the payment of the salaries of the clerks in the office of the treasurer of state, three thousand five hundred dollars.

For the payment of the salaries of the clerks in the office of the secretary of state, fifteen hundred dollars.

For the payment of the salaries of the clerks in the office of the comptroller of the treasury, two thousand six hundred dollars.

For the payment of the salary of the clerk of the attorney-general, five hundred dollars.

For the payment of the clerk in the state library for the balance of his salary to May 1, 1862, two hundred and twenty-five dollars, and for services after May 1, 1862, seventy-five dollars, and when said last mentioned sum is exhausted, at the previous rate of compensation, his services shall end.

The treasurer of state is directed to transfer the old balance of nineteen dollars and four cents of three per cent fund to the general revenue.

State house. For the payment of the salary of the janitor of the state house to the first day of May, 1862, seventy dollars.

For the payment of the salary of the superintendent of the state house, eight hundred dollars.

To defray ordinary expenses during the next year, in taking care of the state house and grounds, and expenses in preparing the halls for the meeting of the general assembly, one thousand dollars, in addition to former appropriations.

For the payment of the engineer and other laborers employed about the heating apparatus, and necessary expenses of heating the state house, one thousand dollars.

For the purchase of fuel for warming the state house, four thousand dollars.

For the payment for gas used in lighting the state house, four thousand dollars.

Messenger and crier supreme court. For the payment of the messenger of the supreme court, three hundred dollars; and for the payment of the crier of the supreme court, fifty dollars.

Mileage of county treasurers. For the payment of the mileage of county treasurers in traveling to and returning from the seat of government to make settlement with the auditor of state, three thousand six hundred dollars.

O. S. Reports. For the purchase of the Ohio state reports, seven hundred dollars.

Library. For the purchase of books, magazines and newspapers for the state library, three hundred dollars.

Distribution. For the distribution of laws and journals, and legislative and other documents, printed by order of the general assembly, fifty dollars.

Seals. For the purchase of seals and presses for counties, by the secretary of state, fifty dollars.

Stationery. For the purchase of stationery and blank books for the use of the state departments and the general assembly, including printing paper and other articles necessary for the general assembly, fifteen thousand dollars.

Printing. For the payment for printing for the state and executive departments, and of the laws, journals, documents, reports, and other work ordered by the general assembly, in accordance with the laws of the state, five thousand dollars.

Binding. For payment for folding, binding and stitching for the state and executive departments, and of the laws, journals, documents and

reports, ordered by the general assembly, and other necessary work of the kind done pursuant to the laws of the state, five thousand dollars.

For the payment of the night-watch, to be appointed by the treasurer of state, and paid on his certificate, five hundred and fifty dollars. Night-watch.

For the payment of the expenses of the trustees of the benevolent institutions, six hundred dollars. Benevolent institutions.

For the payment of the expenses of special elections, two hundred dollars. Elections.

For the state board of agriculture, the proceeds of show licenses and escheated lands that have or may come into the state treasury: Provided, however, that before paying any money to said board there shall be first deducted from said proceeds the amount of money heretofore received and paid to said board on account of sales of escheated lands in Wyandot county, belonging to the estate of John Tcherter, alias John Merryman, together with the interest thereon, as refunded to the purchasers of said land. State board of agriculture.

For the support of common schools in the several counties, a sum not exceeding the amount that may come into the treasury for that purpose. Common schools.

For the payment for wolf scalps, fifty dollars: Provided, that as to all scalps hereafter taken the "act to encourage the killing of wolves," passed April 26, 1852, and the act amending section six of the same, passed May 1, 1856, be and the same are hereby repealed. Wolf scalps. Sw. & Cr. 1637-b.

For the payment of the expenses of the senate and house committees in visiting the benevolent institutions, the sum of one hundred and four dollars—payment to be made on the certificates of the chairmen of the committees respectively. Committees visiting benevolent institutions.

PUBLIC WORKS.

For the payment of the salaries of the members of the board of public works, four thousand five hundred dollars. Salaries and other items.

For the payment of the salaries of the resident engineers on the public works, three thousand dollars.

To refund to the late collector at Dayton for tolls charged by the collector at Toledo to the state board of agriculture, and repaid by said collector at Dayton, two hundred and twenty-eight dollars and ninety-nine cents.

For the payment of awards of damages on the public works, in matter of Arthur Taggart, Muskingum Improvement, three thousand dollars.

For payment of checks, for superintendence and repair of Miami and Erie canal prior to June 1st, 1861, eighteen hundred and twenty-one dollars and eighty-four cents.

For the payment of indebtedness on the northern division of the Ohio canal, and on the Western Reserve and Maumee Road, eighteen hundred dollars.

For the payment of attorneys' fees and compromises in closing outstanding claims for water rent on canal leases, five hundred dollars.

MILITARY EXPENSES.

Governor's
military con-
tingent fund.

For the governor's extraordinary military contingent fund, out of which, among other payments, he is to pay all nurses, pay-agents, volunteer surgeons, assistant surgeons, and for the removal of sick and wounded soldiers, from Ohio, one hundred thousand dollars: Provided, that the governor is hereby authorized to extend to Ohio volunteers, serving in regiments of other states, or in the regular service, who were at the time of their enlistment residents of this state, all the rights and benefits conferred on Ohio volunteers by this act.

Staff, clerks,
&c.

For the payment of the governor's staff, according to the salaries established by law, the sum of eight thousand dollars.

For the payment of clerks in the office of the adjutant-general, thirty-five hundred dollars.

For the payment of clerks in the office of the quartermaster-general, four thousand four hundred dollars.

For the payment of laborers at the state arsenal and laboratory, eighteen thousand dollars.

For the repair of public arms, ten thousand dollars.

OHIO PENITENTIARY.

Penitentiary.

For the payment of the per diem and expenses of the directors of the penitentiary, five hundred dollars.

For the payment of guards or assistant keepers at the penitentiary, twenty-two thousand dollars.

For the payment of the current expenses of the penitentiary, forty-seven thousand dollars.

For the prosecution and transportation of convicts to the penitentiary, twenty thousand dollars.

For payments to discharged convicts, thirteen hundred and fifty dollars.

For the payment of the Columbus Gas Company's bill, for gas fixtures in the new cells, six hundred and thirty-seven dollars and forty-two cents.

For prison library, the sum of three hundred dollars.

For refunding money received into the treasury from overwork of prisoners, a sum not exceeding the amount received from such overwork.

For the construction of a new wire shop, forty-eight hundred and fifty dollars.

For the payment to Peter Hayden of money advanced by him in settlement of the account of John Motes, for sand used in the construction of saddle-tree shop, one hundred and twenty-six dollars and thirty-one cents. Also, for money advanced by said Hayden to James McDermont, in settlement of his account for stone window-sills for the said saddle-tree shop, thirty-seven dollars and fifty cents; to be audited and approved by the warden and directors of the penitentiary.

For repairs, one thousand dollars.

MISCELLANEOUS.

Miscellaneous.

For the payment of the judgment of Bartlit & Smith against The State of Ohio, the sum of two thousand one hundred and seventy-four dollars and ninety-five cents, with interest on said sum from the twelfth day of November, 1861, to be added to the same until

paid ; also for the payment of costs in said case, the sum of three hundred and thirty-eight dollars and twenty-four cents.

For the payment of V. Swain, of Cleveland, for two United States flags, per resolution, forty dollars.

For the payment of expenses at inauguration of governor, preparing rotunda, police, &c., six dollars.

For the payment of Washington Miller, to refund judgment and costs collected by the state of Ohio, for alleged deficiency as collector, the sum of nineteen dollars and sixteen cents.

For the payment of the per diem of James Gamble, who claimed to be the duly elected member to the house of representatives, from the county of Coshocton, over Andrew J. Wilkin, the sum of one hundred and fifty-six dollars, being the per diem from the sixth day of January, 1862, to the thirteenth day of February, 1862, inclusive.

For the payment of the salary of the clerk of the commissioner of common schools, prior to the first of May, 1862, four hundred and thirty-seven dollars and sixteen cents, at which time his services shall end.

For distribution of cotton-seed agreeably to joint resolution, fifty dollars.

For the payment of Gibson & Co., for outline maps of Ohio, for the use of the general assembly, forty dollars.

For the payment of maps of Cincinnati and Hamilton county, for the use of the general assembly in districting the state—to be paid on the order of the chairman of the house joint committee on that subject—the sum of fifteen dollars.

For the payment of Captain Philip Miller, per law passed this session, the sum of two hundred and eighty-eight dollars—the fund provided by said act being exhausted.

For the payment of A. J. Williams, assistant clerk of the house of representatives, the sum of twenty-eight dollars, for clerical services rendered for the house of representatives before his appointment as clerk.

For the payment of John D. Caldwell, reporting clerk of the house of representatives, for fourteen days service in said capacity prior to his election, fifty-six dollars.

For the payment of George Otstot, a guard in the penitentiary, who was wounded in the discharge of his duty, eighty dollars.

For the payment of expenses of repairs and furniture for the halls of the general assembly, and ice bills, the sum of two hundred and thirteen dollars and thirty-seven cents.

For the payment of the contingent expenses of the different offices and departments of the state government, except the contingent fund of the governor, the sum of five thousand dollars—to be paid out upon the auditing of those items by the auditor of state, and in strict accordance only with the second section of this act; and nothing shall be paid therefrom for traveling expenses of the commissioner of common schools.

For the repairs of pumps, engine, heating apparatus, &c., of the state house, the sum of six hundred dollars.

For the payment of expenses of witnesses and depositions before committee of the house of representatives, in matter of inquiry as to management of national road, forty dollars.

For the claim of G. Vandemark, for work and materials furnished on the arsenal, one hundred and thirteen dollars.

For the claim of C. Smith, for stone work at the arsenal, nine dollars ; and for the claim of Comstock and Miller, for digging well on arsenal lot, forty-nine dollars ; said claims shall be paid only on the approval and certificate of the adjutant-general.

CENTRAL OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physicians, steward and matron of the Central Ohio lunatic asylum, two thousand two hundred dollars.

For the payment of the moral instructor in said asylum, and for the purchase of books and pictures, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, twenty thousand dollars.

SOUTHERN OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Southern Ohio lunatic asylum, one thousand nine hundred dollars.

For the payment of the moral instructor in said asylum, and for the purchase of books and pictures, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, thirteen thousand eight hundred dollars. The trustees of said institution are hereby authorized to purchase twenty-four acres of ground adjoining said asylum grounds on the south, for the benefit of said asylum : Provided, that they can save from the present appropriations the amount necessary therefor.

NORTHERN OHIO LUNATIC ASYLUM.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Northern Ohio lunatic asylum, one thousand nine hundred dollars.

For the payment of the moral instructor in said asylum, and for the purchase of books and pictures, two hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, sixteen thousand dollars.

For fencing, five hundred dollars.

For engine and pump, five hundred dollars.

DEAF AND DUMB ASYLUM.

For payment of the salaries of the superintendent, steward, matron, physician and teachers, seven thousand dollars.

For provisions and necessary current expenses and repairs of said institution, six thousand dollars.

BLIND ASYLUM.

For payment of the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the blind, six thousand five hundred dollars.

For provisions and necessary current expenses and repairs of said asylum, four thousand dollars.

ASYLUM FOR IDIOTS.

For the salaries of the superintendent and teachers of the state asylum for idiots, fifteen hundred dollars.

For provisions and necessary current expenses and repairs, three thousand five hundred dollars: Provided, that no expenditures for repairs of said asylum shall be made except such as may be necessary to prevent waste. Such sum of money herein appropriated shall be paid to the superintendent, in sums of five hundred dollars monthly, upon his order endorsed by at least two of the trustees—his account for the preceding month having been first approved by them and presented to the auditor of state.

For payment of rent, five hundred and twenty-five dollars.

LONGVIEW ASYLUM.

For the Longview asylum of Hamilton county, a sum not exceeding eighteen thousand dollars, to be computed and ascertained by the auditor of state agreeably to the provisions of the thirty-third section of the act of February 27, 1861, entitled "an act further to provide for the government of the Longview asylum, and amendatory and supplementary to an act entitled 'an act to constitute the county of Hamilton a separate district for lunatic purposes, and to provide for the erection and government of an asylum therein,'" which sum shall bear the same proportion to the appropriations for the year 1862 for the Central, Southern, and Northern lunatic asylums as the levy of 1861 for general revenue in Hamilton county bears to the levy for the same purpose in the residue of the state; but from the sum so ascertained there shall be deducted and withheld the sum of one thousand four hundred and eighty-five dollars, for excess of appropriation for said Longview asylum in 1861, over the sum to which said asylum was entitled during that year, under the provisions of the said act of February 27, 1861; and the sum hereby appropriated shall be paid on the warrant of the auditor of state upon like vouchers as in the case of the other lunatic asylums.

OHIO REFORM SCHOOL.

For the payment of the salaries of the acting commissioner, teachers, matron, watchmen, and other officers, three thousand seven hundred and fifty dollars.

For provisions, clothing, bedding, school books, and other necessary expenses for supporting and educating one hundred and seventy-five boys, eight thousand five hundred dollars.

For sugar mill and evaporator, one hundred and fifty dollars.

For repairs on buildings, three hundred dollars.

For fruit trees, three hundred dollars.

The sums here appropriated for the Ohio reform school shall be paid to the acting commissioner for disbursement, in sums of one thousand dollars each, on his own order, approved and endorsed by the advisory commissioners: Provided, that the appropriations made in this act for each of the benevolent institutions, for the Ohio reform school, and for the asylum for idiotic and imbecile youth, are made subject to this condition: that any undrawn balances remaining in the treasury, to the credit of these institutions, at the end of the fiscal year 1861, and not required for the expenses of that year, shall be deducted from the several appropriations made in this act. This proviso shall not apply to the Southern Ohio lunatic asylum.

SEC. 2. No moneys herein appropriated shall be expended for any other purpose than the specific purposes named in this act; and no money shall be drawn from the several contingent funds in

General limitations.

this act appropriated, for the payment of subscriptions to newspapers, or for the payment of postage other than that required in transacting the official business of the state, or in the payment of any supplies ordered for the personal comfort of those employed in said business, and not necessary for the public service. Nor shall any money be drawn from said contingent fund for the payment of clerks in said departments, except in cases where for merely temporary purposes, additional clerk force may be necessary. Nor shall any person receive pay for employment in more than one capacity, except in cases for which specific appropriation is made in this act. Nor shall any more than one person be employed to do the duties of messenger and porter for the offices of the auditor, attorney-general, and the fund commissioners; one for the offices of treasurer and comptroller; one for the offices of secretary of state, school commissioner, and state library; and one for the office of governor. The compensation of such messengers shall not exceed thirty dollars per month, to be paid out of the contingent fund of the several offices aforesaid, in equal proportions. Nor shall any money be drawn from the several contingent funds aforesaid for the purchase of or payment for stationery used in the several departments of the state government, but it is hereby made the duty of the secretary of state to supply the several state officers all the stationery necessary in the discharge of the duties of their several departments. Nor shall any expenditure be made by any officer of the state, or by the directors of the penitentiary, or trustees or other officers of any of the state institutions, or any contract made so as to incur any indebtedness or liability on the part of the state beyond the appropriation named therefor. The appropriation to pay expenses and fees of counsel appearing for the state in the suits pending, or which may be brought, in the courts of the United States, respecting the collection of taxes assessed against the banks of the state, under the act passed April 8, 1859, of one thousand dollars made under the act making appropriations for 1861, is hereby repealed: Provided, that all rights which have accrued under the provisions of said act shall be and the same are hereby reserved, except any claim that may be instituted by the attorney general, for extra services rendered by himself.

Counsel fees.

SEC. 3. This act shall take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

To abolish the tenth judicial district.

Third district:	SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That the counties of Logan, Union, Marion, Hardin and Shelby, shall constitute the first sub-division; the counties of Auglaize, Allen, Mercer, Van Wert and Putnam, shall constitute the second sub-division; the counties of Paulding, Defiance, Williams, Fulton, Henry and Wood, shall constitute the third sub-division;
1st sub div.	
2nd.	
3d.	

and the counties of Seneca, Hancock, Wyandot and Crawford, shall constitute the fourth sub-division of the third judicial district of the state of Ohio; and these counties together shall compose and form said third judicial district.

Sec. 2. There shall be elected in each of said sub-divisions first, third and fourth, by the qualified electors thereof respectively, at the annual election in October, 1866, and every five years thereafter, and in said sub-division second, by the qualified electors thereof, at the annual election in October, 1863, and every five years thereafter, one judge of the court of common pleas, who shall be a resident of his proper sub-division; and all vacancies occurring in the office of common pleas judge in any of said sub-divisions, shall be filled as like vacancies are filled in the sub-divisions of other judicial districts.

Election of judges.

Vacancies.

Sec. 3. The act entitled "an act authorizing the election of one additional judge of the court of common pleas in the third sub-division of the third judicial district of Ohio," passed April 17, 1857; the act entitled "an act to create the tenth common pleas district of Ohio, and to change the sub-divisions of the third common pleas district," passed April 8, 1858, and the act entitled "an act to annex Lucas county to the first sub-division of the fourth judicial district of Ohio, and to provide for the election of judges in the first sub-division of the fourth judicial district and the second sub-division of the tenth judicial district," passed April 12, 1858, be and the same are hereby repealed.

Sw. & Cr. 380.

Sw. & Cr. 380.

Sw. & Cr. 380.

Sec. 4. The county of Lucas is annexed to and shall form a part of the first sub-division of the fourth judicial district.

Lucas county.

Sec. 5. This act shall not be construed or held to affect the term of service of any judge elected in pursuance of any law repealed by this act.

Sec. 6. This act shall take effect upon its passage, but the courts in the several counties in said third judicial district as hereby defined, shall be held in the year 1862 as if this act had not been passed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

To pay certain officers connected with the governor's staff for services rendered prior to July 12, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated out of any money in the state treasury, for general revenue purposes, the following sums of money:

Appropriation.

For the payment of C. P. Buckingham, for services rendered as adjutant-general and commissary-general, the sum of two thousand and eighty-eight dollars, being at the rate, for the time employed, of two hundred and thirty-two dollars per month: Provided, that from said sum there shall be deducted the sum of seven hundred and fifty dollars, already advanced to said C. P. Buckingham.

O. P. Buckingham.

H. B. Carrington. For the payment of H. B. Carrington, for services rendered as adjutant-general, the sum of five hundred and twenty-eight dollars, being at the rate of two hundred and thirty-two dollars per month for the time employed: Provided, that from said sum there shall be deducted the sum of two hundred and seventy-nine dollars, already advanced to said Carrington.

George B. Wright. For the payment of George B. Wright, for services rendered as quartermaster-general, the sum of eight hundred and twelve dollars, being at the rate, for the time employed, of two hundred and thirty-two dollars per month.

Columbus Delano. For the payment of Columbus Delano, for services rendered as commissary-general, the sum of sixteen hundred and twenty-four dollars, being at the rate of two hundred and thirty-two dollars per month for the time employed.

Geo. G. Shumard. For the payment of George G. Shumard, for services rendered as surgeon-general, the sum of five hundred and twenty-five dollars, being at the rate of one hundred and fifty dollars per month for the time employed.

W. L. McMillen. For the payment of W. L. McMillen, for services rendered as surgeon-general, the sum of six hundred and seventy-five dollars, being at the rate of one hundred and fifty dollars per month for the time employed.

Martin Welker. For the payment of Martin Welker, for services rendered as aide-camp to the commander-in-chief, the sum of seven hundred and fifty dollars, being at the rate of one hundred and fifty dollars per month for the time employed: Provided, that from said sum there shall be deducted the sum of four hundred dollars, heretofore advanced to said Welker.

Proviso. All of the above sums to be paid on the certificate of the governor: Provided, that in all cases where any of the above named officers shall have received money or pay from the governor, auditor or quartermaster-general of the state, or from the general government, on account of salary or otherwise, the same shall be deducted from the amounts hereby appropriated: Provided, also, that no officer shall in any case receive pay in more than one capacity at the same time.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.

B. STANTON,
President of the Senate.

May 1st, 1862.

AN ACT

To fix the compensation of members and officers of the general assembly.

**Per diem and
mileage of
members,**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each member of the general assembly of this state be entitled to receive for each day's attendance during the session of the general assembly the sum of three dollars, and also the sum of three dollars for every twenty-five miles distance, by the most direct route of public travel from his place of residence, in traveling to and from the seat of government.

SEC. 2. That the clerks, assistant clerks, sergeants-at-arms and assistant sergeants-at-arms of the senate and house of representatives of this state shall each be entitled to receive for each day's attendance during the session of the general assembly the sum of three dollars.

Per diem of clerks and sergeants-at-arms.

SEC. 3. That the clerks of the senate and house of representatives shall receive at the rate of three dollars per day each for the time actually employed, after the adjournment of the general assembly, for making out an index to the journals, to be paid on the order of the auditor of state; but they shall not receive any other allowance or compensation for services after the adjournment of the legislature.

—of clerks after adjournment.

SEC. 4. That it shall be the duty of the sergeant-at-arms of each house, immediately after the adjournment of the general assembly, to take charge of all books, stationery and all other property of every description, furnished for, in possession or for the use of the general assembly, or any member or officer thereof, and being the property of the state; and such sergeant-at-arms shall cause the said property to be delivered into the custody of the secretary of state, who shall give duplicate receipts therefor, one of which receipts shall be by said sergeant-at-arms deposited with the auditor of state; and the said auditor of state shall allow to said sergeant-at-arms, for the services required by this section, such sum, not exceeding three dollars per day for the time actually employed, as such auditor shall deem just and reasonable, to be paid out of the treasury of the state, as in other cases.

Duty of sergeant-at-arms after adjournment.

—his per diem therefor.

SEC. 5. That an act fixing the compensation of members of the general assembly, passed March 3, 1852, and an act passed April 30, 1852, entitled "an act fixing the compensation of clerks, assistant clerks, sergeants-at-arms and assistant sergeants-at-arms of the senate and house of representatives of this state," be and the same are hereby repealed.

Acts repealed. Sw. & Cr. 1331.

Sw. & Cr. 1331.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

Making appropriations in part of the general revenue for the year 1863.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated, from any money that may be in the treasury, belonging to the general revenue, and to be used for the service of the year 1863:

For the payment of guards at the Ohio penitentiary, ten thousand dollars.

For the general current expenses of the Ohio penitentiary, thirteen thousand dollars.

For the prosecution and transportation of convicts, ten thousand dollars.

For provisions and necessary current expenses and repairs of the Central Ohio Lunatic Asylum, ten thousand dollars.

For provisions and necessary current expenses and repairs of the Southern Ohio Lunatic Asylum, six thousand dollars.

For provisions and necessary current expenses and repairs of the Northern Ohio Lunatic Asylum, six thousand dollars.

For provisions and necessary current expenses and repairs of the institution for the education of the deaf and dumb, three thousand dollars.

For provisions and necessary current expenses and repairs of the institution for the education of the blind, three thousand dollars.

For provisions and necessary current expenses, repairs, rent and wages of the state asylum for idiots, fifteen hundred dollars.

For provisions, furniture, clothing, lodging, school books, for educating and training boys, and other necessary expenses at the reform school, two thousand eight hundred and thirty-four dollars.

SALARIES.

For the payment of salaries of the warden, deputy warden, clerk, physician, chaplain, assistant teacher and matron of the Ohio penitentiary, fifteen hundred dollars.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Central Ohio Lunatic Asylum, nine hundred and fifty dollars.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Southern Ohio Lunatic Asylum, nine hundred and fifty dollars.

For the payment of the salaries of the superintendent, assistant physician, steward and matron of the Northern Ohio Lunatic Asylum, nine hundred and fifty dollars.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the deaf and dumb, two thousand dollars.

For the payment of the salaries of the superintendent, steward, matron, physician and teachers of the institution for the education of the blind, twelve hundred dollars.

For the payment of the salaries of the superintendent, other officers and teachers of the state asylum for idiots, six hundred dollars.

For the payment of the salaries of the officers of the state reform farm, fifteen hundred dollars.

SEC. 2. This act shall take effect from and after the fifteenth day of November, eighteen hundred and sixty-two.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

AN ACT

Prescribing the fees of the clerks of courts.

Fees in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the clerks of the several common pleas, superior, district and supreme courts of this state, shall be allowed for services rendered in criminal cases, the same fees as are allowed by law for like services in civil cases, to be taxed in the bill of costs, and collected from the defendant or defendants in cases where the state

prevails ; and the court of common pleas may annually, in each county having a population less than seventy thousand, allow to the clerk a sum not exceeding one hundred dollars, and in every other county not exceeding three hundred and fifty dollars, to be paid from the county treasury, in lieu of fees, in cases where the state fails, or the defendant proves insolvent, and for other services not particularly provided for ; but no other fee or allowance in criminal cases shall be paid from the county treasury. Nor shall such allowance exceed the aggregate amount of the fees in such cases, or for such other services in any year : Provided, that nothing in this section contained shall affect the payment by the state of fees of clerks in cases of conviction for penitentiary offenses, as provided by law.

Provided.

SAC. 2. The clerks of said courts shall receive, from the treasuries of their respective counties, the following fees : For drawing each grand jury, issuing a venire therefor, and impaneling and swearing such jury, one dollar ; for certifying the fees or compensation of each grand juror for attendance during the term, one dollar ; for making out abstracts of elections, and certifying the same (except justices' elections), for each one hundred words, counting three figures as one word, ten cents ; for certifying the fees of judges and clerks of elections, ten cents each ; for filing the enumeration of white male inhabitants over twenty-one years of age, and certifying the same by townships, incorporated villages, and wards in cities, to the secretary of state, ten cents ; for each township, incorporated village, and city ward, for apportioning jurors to the several townships, cities and wards, copying the names and placing the same in the jury box, three dollars annually ; for making out lists of unclaimed costs, and paying the same to the county treasurer, two per centum on the amount of money paid ; for reporting annually a list of fines assessed by their respective courts, one dollar ; for reporting annually to the prosecuting attorney a list of fines and costs, collections thereon, &c, two dollars ; for reporting annually to the auditor of state as to the collection of costs in penitentiary cases, fifty cents ; for each civil jury list certified to the county auditor, twenty-five cents ; and for distributing the laws, journals, and documents of the state, five dollars annually.

Fees to be paid from county treasury.

SAC. 3. The county commissioners shall furnish to the clerks of courts of their respective counties, all blank books, blanks and stationery necessary to the prompt discharge of their duties, or the clerks may themselves procure said articles, and shall be allowed and paid for them upon their certificate of items.

Stationery, etc.

SAC. 4. The clerk of each court shall, before receiving payment from the county treasury for any fees allowed by law, present to the auditor of the county an itemized bill of such fees, and shall certify upon, or at the foot of such bill, that the services for which such fees are charged, have been performed by him, and remain due and unpaid, for which bill and certificate no fee shall be charged ; and it shall be unlawful for any clerk of any of the courts of this state to charge or receive any greater or other fees or other compensation for the discharge of any duties of his office, than are allowed by law ; and if any such unlawful fees shall be charged and taken or received, the clerk charging and taking or receiving the same, shall be liable to the party injured in three times the amount of such unlawful fees, to be recovered, with costs, by civil action in

Itemized bill of fees payable from treasury to be presented to auditor.

Penalty for charging unlawful fees.

any court of competent jurisdiction, or upon motion and summary hearing and judgment in the court of common pleas of the proper county, and shall, moreover, be removed from the office by the court of common pleas of the county, and shall thereafter be ineligible to said office.

Repealing
clause.

Sw. & Or. 629.

Clerks not
affected as to
services here-
tofore ren-
dered.

Sec. 5. The third, fourth, fifth and sixth sections of the "act to regulate the fees of clerks of the courts of common pleas," passed May 1, 1854, and all other acts and parts of acts inconsistent with any of the provisions of this act, are hereby repealed: Provided, that the repeal shall not affect the right of any clerk to charge and receive fees according to the acts repealed, for services rendered prior to the taking effect of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

LOCAL AND SPECIAL ACTS.

AN ACT

To enable the trustees of Hinckley township, Medina county, to sell and buy lands.

WHEREAS, Samuel Hinckley, by deed dated the 23d day of June, A. D. 1831, conveyed to Thomas N. Easton, John Jones and Andrew M. Creery, trustees of the township of Hinckley, Medina county, state of Ohio, and to their successors in office forever, the following lot of land, situate in said township, to wit: "Beginning at a stake 9 chains and 75 links bearing south, 88° west from the center stake of said township in the center of the highway; thence N 2°, W. 2 chains and 50 links; thence south 88°, W. 5 chains; thence S. 2°, E. 5 chains; thence N. 88°, E. 5 chains; thence N. 2°, W. 2 chains and 50 links, to the beginning;" to be by said trustees appropriated to such purpose as shall best subserve the interests of the town; and

WHEREAS, The trustees of said township, being unable to render the said parcel of land available for public uses, in consequence of its remoteness from the business village and center of the said township, desire to sell the same, and invest the proceeds in the purchase of an available site for a town hall and public square at or near said business and village center; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of Hinckley township, Medina county, Ohio, are hereby authorized and empowered, if in their opinion it shall best subserve the interests of said township, to sell and convey, by deed of general warranty, at public or private sale, upon such terms as they may deem for the interests of said township, the aforesaid described parcel of land, and the proceeds thereof to invest in the purchase of a site for a town hall and public square, at or near the business village center of said township.

SEC. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 7, 1862.

AN ACT

To repeal an act entitled "an act to authorize Alexander Mooberry and his associates to form a new school district in the county of Franklin, Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to authorize Alexander Mooberry and his associates to form a new school district in the county of Franklin, Ohio," passed March 29, 1841, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 5, 1862.

AN ACT

To authorize the lessee of lots Nos. 15 and 31 of ministerial section No. 29, in the township of Gallipolis, Gallia county, to surrender his lease and receive a deed therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessee, assignee or equitable holder of lots number fifteen and thirty-one of ministerial section twenty-nine, in original surveyed township number three (Gallipolis township) of range number fourteen of the Ohio company's purchase, in Gallia county, be and the same is hereby authorized to surrender his permanent lease to the state of Ohio, for the use of said township, the surrender to be made in writing, under seal, to the auditor of Gallia county, who is hereby required to enter in a book, to be by him provided for that purpose, the date of the original lease, the name of the person surrendering the same, a full description of the tract surrendered, and the rate per acre at which such tract was valued at the last appraisal thereof under said lease.

SEC. 2 That on surrendering said lease, said lessee or assignee or equitable holder shall receive from the auditor of said county a certificate of purchase for the tract embraced in the lease surrendered, by paying therefor the same price per acre as the same was valued at at the last appraisalment under said lease, in the manner following: one-fourth of the purchase-money shall be paid at the time of the surrender, and the residue shall be divided into three equal installments, one of which shall be paid annually from and after the date of the surrender until the whole is paid; the deferred payments to bear interest at the rate of six per cent. per annum, payable annually: Provided, the person surrendering shall be permitted to pay the whole of the purchase-money at any time before the same becomes due: And provided further, that no person shall be permitted to make such surrender until all rents due under said lease shall have been fully paid.

SEC. 3. That all payments made under the provisions of this act shall be made to the treasurer of said Gallia county; and the person making the same shall receive from said treasurer a receipt therefor, which receipt he shall deliver to said auditor, who shall file the same in his office, and charge the treasurer therewith, and give to the person making such payment a certificate of the same.

SEC. 4. That the treasurer of said county shall keep separate accounts of all moneys received under the provisions of this act, when, from whom and on what account each item was received; and it shall be the duty of said county treasurer to make out and transmit, on or before the first Monday in January, annually, a transcript of said account to the auditor of state; and the said county treasurer shall pay over annually to the treasurer of state, at the time of making his settlement with the treasurer of state, in February, all the money that shall have come into his hands, under the provisions of this act, during the preceding year.

SEC. 5. That when any person shall have surrendered his lease, as aforesaid, said county auditor shall give him a certificate, specifying the date of the surrender, the name of the person surrendering the same, a description of the land embraced in the lease surrendered, the amount of purchase-money, the number of installments, the amount paid, and when the several installments will become due.

SEC. 6. That when said lessee, or any person holding title under him, shall have paid in full for such tract of land under the provisions of this act, the said county auditor shall give the person entitled thereto a final certificate, particularly prescribing the parcel of land so paid for, and the several sums that have been paid thereon; and upon the presentation of said certificate to the auditor of state, the said auditor of state shall make out a draft of a deed to the person or persons entitled thereto, which he shall deliver to the governor, which said deed shall be signed by the governor, sealed with the great seal of the state of Ohio, and countersigned and recorded by the secretary of state, and delivered to the person entitled thereto on demand.

Sec. 7. That if any person who shall have surrendered any such lease as herein provided, or his assignees, shall fail for one year to make payment of any installment after the same becomes due, the said county auditor, after giving sixty days' notice, in a newspaper printed in said county, of the time and place and terms of sale, and which notice shall describe the premises to be sold, shall proceed to sell said tract, with all the improvements thereon, at public auction, at the door of the court-house in said county, to the highest bidder in cash: Provided, the same shall not be sold for a less sum than remains unpaid of the purchase-money and costs of sale; and after paying out of the proceeds of said sale the costs and purchase-money unpaid, the said auditor shall pay over to the person or persons so failing to make payment, or their legal representatives, on demand, any surplus that may remain; and the purchaser at such sale shall be entitled to receive a deed from the governor, on the certificate of the auditor, the same as if he had been the holder of the lease, and complied with all the provisions of this act.

Sec. 8. That all money paid into the treasury under the provisions of this act shall be appropriated and the proceeds paid over in the same manner as money arising from the sale of other ministerial lands are, by the laws in force, appropriated and paid over.

Sec. 9. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed March 10, 1862.

AN ACT

To enable the town council of the incorporated village of Miamisburg to appropriate money in a certain case therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Miamisburg, in Montgomery county, Ohio, are hereby authorized and empowered to appropriate, out of moneys now in the treasury of said incorporated village, the sum of one thousand dollars, to be applied to the payment of a bond executed by John F. Platte and others to secure the payment of that sum to the commissioners of said county, to be applied by them towards building a free bridge across the Miami river, at the head of Main street, in said village.

Sec. 2. That said town council are hereby authorized and empowered, after making said appropriation, to draw an order in favor of said John F. Platte and the other makers of said bond, on the treasurer of said incorporated village, for said sum of one thousand dollars, and the same is hereby legalized.

Sec. 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 12, 1862.

AN ACT

To authorize the county commissioners of Holmes county to transfer money in the treasury of said county, from the public building fund to the fund for the support of families of volunteers in the service of this state or the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Holmes county be and are hereby authorized to transfer any sum of money not exceeding two thousand dollars, now in the county treasury of said county, heretofore collected for public building purposes, to a fund for the support of the families of volunteers now enlisted, or who may hereafter enlist, in the service of this state or of the United States. Said commissioners may appropriate so much of the funds transferred as may be found necessary to discharge all indebtedness heretofore incurred by said commissioners, in procuring money by loan, or from other funds in the treasury of said county used for such relief purpose.

Sec. 2. That the fund thus transferred by authority of this act, shall be distributed by said board of county commissioners to the relief of such families as their wants and necessities may require, under such rules and regulations as said board of county commissioners may from time to time prescribe by the concurrent vote of the whole number of members composing such board. The family of each soldier may, in the discretion of said board, be relieved from the date of enlistment until one month after he is discharged from the service of this state, or the United States: Provided, however, if he shall have become disabled, or shall have been killed, or shall have died in said service, the relief may be extended for one year after the date of such disability or death. The word family, as used in this act, shall be construed to mean only a wife, or minor child or children, or a dependent parent.

Sec. 3. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 14, 1862.

AN ACT

To extend the time of the payment of certain school lands in Lawrence and Wyandot counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of six years from and after the day the respective installments have or may become due, be and the same is hereby given to Boudinot Seeley, and Campbell Ellison and Company, purchasers of the following described school lands in Decatur township, in Lawrence county, for the payment of the principal of the purchase money thereof, to wit: North-east quarter of section 34, town 3, range 18—166 acres; also, west half section 26, town 3, range 18—334 acres, purchased by the aforesaid Boudinot Seeley; and the south-east quarter of section 15, town 3, range 18—160 acres, purchased by the aforesaid Campbell Ellison and Company; and also that a like period of six years be and the same is hereby given to H. G. Harris, purchaser of the following described school lands in Wyandot county, for the payment of the purchase money thereof, to wit: West half of north-east quarter, east half of south west quarter, and west half of south-east quarter of section sixteen (16), town three (3), and range twelve (12), east: Provided that the interest and taxes accruing thereon shall be punctually paid as

the same become due, according to law; and, provided further, that the auditors of said counties of Lawrence and Wyandot, may require additional security for the payment of the arrears of principal and interest, if in their opinion the public interests demand it.

SEC. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 14, 1862.

AN ACT

To change the boundaries of the city of Zanesville and Washington township, in Muskingum county.

WHEREAS, the act "to incorporate and establish the city of Zanesville, in Muskingum county," passed March 19, 1850, made the boundaries of said city coextensive with Zanesville township, including therein large tracts of farming lands, and did provide that, "the said city council shall levy no tax upon any land or lands within the limits of said city, except for road purposes, unless the same is laid off into town lots, and recorded as such agreeably to the laws of the state, or into out-lots not exceeding five acres each, and recorded as such agreeably to the laws of the state of Ohio;" and,

WHEREAS, by the act "to provide for the organization of cities and incorporated villages," passed May 3, 1852, all acts then in force for the organization or government of municipal corporations were repealed, whereby the aforesaid lands have been subjected to city levies for all purposes, contrary to the true intent and meaning of the act of March 19, 1850, aforesaid; now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the northern boundary of said city of Zanesville shall be and is hereby established as follows: Beginning in the eastern boundary of the said city at the north-east corner of the lands of the Muskingum Mining Company, in lot numbered sixteen (16), in the third (3) quarter of the first (1) township and seventh (7) range of United States military lands, thence running with the line of said mining company's land west to the north-west corner of lot numbered nine (9) (north of the Adamsville road), according to a plat of lots laid out by the said mining company, and recorded in the recorder's office of Muskingum county, in plat book No. 1, page 62; thence with the line of the said lots, south to the north-east corner of Matthew Wilson, junr.'s land in the aforesaid lot sixteen (16); thence with the course of the said Wilson's land west to the Muskingum river, and thence to the middle of the said river.

SEC. 2. That all the lands heretofore within said city, lying north and west of the line described in the foregoing section shall no longer be a part of said city, but shall be and the same are hereby annexed to and made part of Washington township in said Muskingum county.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 14, 1862.

AN ACT

For the relief of Benjamin Copley and others, purchasers from the state, of escheated lands and lots belonging the estate of John Tschertter, alias John Merriman, late of Wyandot county, deceased.

WHEREAS, the real estate belonging to the estate of John Tschertter, alias John Merriman, late of Wyandot county, Ohio, who died intestate, was taken possession of in the name of the state of Ohio, by the auditor of Wyandot county, and by him sold, as escheated to the State of Ohio, for want of the known heirs of the intestate; and

WHEREAS, since the sale of such escheated lands, the same has been reclaimed and taken from the purchasers thereof by persons claiming to be heirs of the said John Tschertter, alias John Merriman, deceased; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several purchasers, their heirs and assigns, of said real estate, or any part thereof, belonging to the estate of the decedent, late of Wyandot county, that was taken possession of and sold by the auditor of Wyandot county, as escheated to the state of Ohio, shall be entitled to have the purchase money heretofore by any such purchaser paid to the said county auditor, refunded, with interest, which is hereinafter computed and included in the sum appropriated, out of the state treasury, upon presenting to the auditor of state the original certificate of such purchase issued by the said county auditor at the time of the sale of said escheated lands, and surrender of the certificate of sale to said auditor, in recision of said contract of purchase.

SEC. 2. That the auditor of Wyandot county be hereby authorized and required to deliver, upon the official certificate of the auditor of state that the original certificate of purchase has been so surrendered in recision of said purchase, to the said several purchasers, their respective promissory notes, given for the deferred payments of the purchase money for such escheated and sold lands.

SEC. 3. That there be appropriated, out of any money in the treasury of the state of Ohio not otherwise appropriated, for the payment of said claims, the sum of twenty-nine hundred and forty dollars and ninety-one hundredths, including principal and interest.

SEC. 4. That the first receipts arising from the sale of such escheated lands, including whatever sum may have been received from the auditor of Wyandot county on said sales, with its proportion of interest, be paid into the state treasury, for the purpose of reimbursing the same to the amount of this appropriation; and upon failure so to do, the attorney-general shall take legal measures to compel the same.

SEC. 5. This act shall be in force from and after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 20, 1862.

AN ACT

To authorize the town of Perrysburg, in Wood county, Ohio, to borrow thirty thousand dollars to pay the bonds of said town issued to the Dayton and Michigan railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the mayor of the town of Perrysburg, in Wood county, Ohio, by and with the advice and consent of the common council of said town, is hereby authorized to

borrow thirty thousand dollars, at a rate of interest not exceeding seven per cent. per annum, to exchange for, or to pay the bonds of said town issued to the Dayton and Michigan railroad company.

Sec. 2. That to secure the payment of said money, the mayor of said town may issue the bonds of said town in sums of six hundred dollars each, bearing interest at seven per cent. per annum, which interest may be made payable semi-annually. Said bonds shall be signed by the mayor and countersigned by the recorder of said town; and there shall be attached to each of said bonds interest coupons for the payment of the semi-annual interest on the first day of January and the first day of July in each year; which shall be signed by the mayor.

Sec. 3. Said bonds shall be made payable as follows: The first two bonds one year from their date, and two each year thereafter; so that the last two bonds shall become due and payable twenty-five years from the date thereof.

Sec. 4. The common council of said town shall annually levy a tax sufficient to pay the interest on said bonds and twelve hundred dollars of the principal. And if for any cause said council shall refuse or neglect to levy said tax by the first day of June in each year, it is hereby made the duty of the auditor of Wood county to levy it, and place the same upon the duplicate for collection. Said tax shall be levied on all taxable property within the limits of said town at the time of the levy.

Sec. 5. Said bonds shall not be issued unless the same (by a previous arrangement) will be sufficient to pay the fifty thousand dollars of bonds issued by the town of Perrysburg to said railroad company.

Sec. 6. This act shall take effect immediately after its passage.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 28, 1862.

AN ACT

To amend an act entitled "an act to amend an act to establish the Miami University, passed February 17, 1809, and for other purposes," passed March 22, 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That sections three and four of an act entitled "an act to amend an act to establish the Miami University, passed February 17, 1809, and for other purposes," passed March 22, 1837, be and the same are hereby amended so as to read as follows:*

Sec. 3. That in all cases where the original tracts or lots heretofore leased, or which may hereafter be leased by the trustees of said university, have been or shall be sub-divided by the lessees or their assignees, and are now, or may be held by two or more occupants; whether lessees or assignees, or both, said occupants, by application to the proper officer, whose duty it is to keep the books or records of said lands, may have their lots or sub-divisions so held by them, entered separately on the books of said corporation, upon such terms and conditions as to rent and otherwise, as may be agreed upon between them and the trustees of said university; and thereafter the amount of rent so fixed upon each sub-division, shall be levied in the name of the owner or occupant thereof, and shall be collected in the same manner, and each sub-division shall be subject to the same liens and restrictions that are now imposed by law on entire lots or tracts of land, the leases for which had been granted in conformity with the provisions

of "an act to establish the Miami University," passed February 17, 1809: Provided, that no such entry or transfer shall be made except upon application of all the parties concerned in such sub-division; and, provided, further, that the expense of such entry and transfer shall first be paid by the persons making application for the same: and, provided, further, that the trustees in making such sub-divisions shall not be bound to apportion among them the original rent, but may increase the same, and shall in no case agree to a rent of less than one dollar per annum for any sub-division.

Sec. 4. That the officer whose duty it may be to make the transfers aforesaid, shall be entitled to demand and receive the sum of twenty-five cents for each and every entry and transfer upon the books of said corporation, which may be made at the instance of the owners or occupants, under the provisions of the third section of this act.

Sec. 2. That original sections three and four of said act, passed March 22, 1837, found in vol. 35 Local Laws of Ohio, page 303, be and the same are hereby repealed.

Sec. 3. This act to take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 28, 1862.

AN ACT

To authorize the city of Cleveland to fund certain railroad stocks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* the city of Cleveland, for the purpose of paying the money heretofore borrowed, and now owing by said city for the erection of water-works, and as the same shall become due, is hereby authorized to create a sinking fund, and for this purpose is hereby empowered to appropriate to such fund all the railroad stocks, shares and bonds, or the proceeds thereof, and any assets growing out of the same, now in the hands of the city commissioners, now held and owned by said city, and the interest and dividends hereafter to accrue on the same, which fund thus formed, after defraying the necessary expenses of the trust hereby created, shall be set apart exclusively for the payment of the principal of the water-works' bonds heretofore issued by said city, in conformity with the provisions of article 6th of the terms of annexation between the city of Cleveland and the city of Ohio, agreed upon by the commissioners of said cities on the 5th day of June, A. D., 1854; and shall be used for no other purpose whatever; and said stocks, shares and bonds, and the accruing interest and dividends on the same so forming said fund, shall be placed in the custody and under the control of five commissioners hereinafter named and called the "sinking fund commissioners," whose duty it shall be to take charge, custody, and control of the same, and manage the same as hereinafter provided.

Sec. 2. That said commissioners shall keep an accurate register of all such stocks, shares, bonds, and moneys in books prepared for such purpose, showing the dates, numbers and amounts thereof, the corporation or corporations in which the same are invested, or from whom payable, the time when payable, the annual or semi-annual interest or dividends accruing on the same, and when said interests or dividends are payable, and when the same is paid, and all such other mat-

ters and things as will fully show the true amount and condition of said fund, which said register shall at all times be open for inspection and examination by the mayor or auditor of said city. It shall be the further duty of said commissioners to make a full and accurate report of the condition and amount of said fund annually to the said city council on the first Tuesday of April in each year.

Sec. 3. That the said commissioners shall collect and receive all sums of interest and dividends accruing and declared on said stocks, shares, bonds and moneys, as the same shall become due, and shall immediately invest the same in safe and reliable stocks or bonds, or loan the same upon adequate real estate security on such time as to them shall seem proper, as they in their judgment shall deem for the best interest of the city.

Said commissioners shall have authority, and it is made their duty to vote on all stocks in their hands, at any meeting of stockholders of any corporation in which said stocks may be held.

Sec. 4. The said commissioners, by and with the consent of the city council first obtained, shall have power and authority at any time to sell and dispose of any of said stocks, shares and bonds for cash, and to invest the proceeds thereof in other stocks, or in such other manner as they shall consider to be for the interest of the city, and shall, when the aforesaid water-works' debt shall become due, or any part thereof, sell such stocks, shares and bonds, or such portion as may be necessary, for cash, and apply the proceeds thereof in payment of the said water-works' debt, as contemplated by section one of this act.

Sec. 5. That Henry B. Payne, Franklin T. Backus, William Case, Moses Kelly, and William Bingham, and their successors, are hereby constituted commissioners under this act, and in case of vacancy, by reason of death, resignation, removal from the county, or any other cause, (excepting removal from office by the court of common pleas as hereinafter provided) the remaining commissioners shall appoint a suitable person to fill such vacancy, and shall give to him a certificate in writing of such appointment, subject to the approval of the city council, and upon such approval he shall thereupon be invested with the same powers and be subject to the same duties, and shall give the same bond as herein provided as if originally appointed by this act. The said commissioners and their successors, each for himself, shall severally execute good and sufficient bonds, with one or more sureties, to be approved by the mayor, and payable to the city of Cleveland, in such a sum as the mayor may, from time to time, determine, conditioned that he shall faithfully account for and appropriate any stocks, shares, bonds, or moneys arising or accruing on the same which shall by the authority of this act come into the hands of the obligor in such bond, and shall in all respects discharge his duty as such commissioner.

Sec. 6. The court of common pleas in and for Cuyahoga county, shall have power at any time on the application of the city council, and on good cause shown by affidavit of malfeasance, misconduct, or neglect of duty on the part of any of said commissioners to issue a citation to him or them requiring him or them to appear before said court at such time and place as said court may direct, to answer such charges as may be preferred against him or them, and upon investigation of such charges and finding the same to be true and well sustained and of sufficient cause for the removal of such commissioner or commissioners, said court shall thereupon remove said commissioner or commissioners, and shall have power and it is hereby made the duty of said court to appoint some other suitable person or persons to fill the vacancy or vacancies thus created, which appointee or appointees shall have the same power and be liable to the same duties and obligations as the commissioners named in this act.

Sec. 7. Said commissioners shall receive no salary or compensation for their services beyond the necessary expenses incurred by them in the discharge of their duties under this act.

Sec. 8. That the commissioners named and provided for in the act of February 18th, 1851, entitled an act to authorize the city of Cleveland to subscribe to the capital stock of the Cleveland, Painesville and Ashtabula railroad company, and the commissioners named and provided for in the act of February 24, 1846, entitled an act authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland, Columbus and Cincinnati railroad company, and the commissioners named and provided for in the act of February 16, 1849, entitled an act authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh railroad company, and for other purposes, are hereby authorized and required to transfer to the commissioners provided for in this act, all of the stocks, shares, bonds, credits and moneys and other assets which are in the hands of either of said board of commissioners owned by said city.

Sec. 9. This act to take effect and be in force on and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 28, 1862.

AN ACT

To provide for the sale of school lands belonging to fractional township one, in the first fractional range in the Miami purchase,

WHEREAS, Fractional township one, of the first fractional range of townships in the Miami purchase, is entitled to a quarter section of school lands situated in Darke county, the value of which is being injured by trespassers thereon; and as there is not now, and probably will not be, in said fractional township, within a reasonable period of time, twenty electors, so that trustees can or could be elected to take charge of such school lands, as provided by the act of June 1, 1831 (Swan & Critchfield's Statutes, page 1577); it is therefore enacted as follows, to wit:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Miami township, Hamilton county (within which fractional township number one of the first fractional range in the Miami purchase is situated), is hereby authorized to make sale of any school lands belonging to said fractional township, situated in Darke county, as now provided by the act of April 16, 1852, entitled "an act to regulate the sale of school lands," &c., if in the judgment of said board it will be for the interest of the public schools within said fractional section: Provided, the proceeds of any sale of said lands shall be invested, and the interest therein disposed of, for the benefit of said fractional township, as now provided by law.

Sec. 2. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

AN ACT

To amend section 2 of an act passed March 26, 1859, entitled "an act to provide for the regulation and support of common schools in the city of Cleveland."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second section of an act passed March 26, 1859, entitled "an act to provide for the regulation and support of common schools in the city of Cleveland," be so amended as to read as follows:

Sec. 2. That the qualified electors of each ward within the said city of Cleveland shall, at their next annual election, on the first Monday in April, 1862, by plurality of votes, elect one judicious and competent person, who shall at the time be a qualified voter in such ward, to be a manager of schools; and one-half of the number of said persons, so elected, shall hold their office for two years, and the remaining half, including one additional member if there be an odd number, shall hold their office for one year, to be determined by lot, to be drawn by the members elect, at the first regular meeting of the board after their election; and said persons, so elected, shall constitute and be known as the board of education for the city of Cleveland; and at all subsequent annual elections in said city, in all such wards in which the term of office of the member of the board of education has expired, there shall be elected to said board a suitable person, having the qualifications aforesaid, who shall hold his office for the term of two years; and the present board, and all members of the board elected as aforesaid, shall continue in office until their successors are duly elected and qualified.

SEC. 2. That said original section two be and the same is hereby repealed, and this act to take effect and be in force from and after its passage

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 4, 1862.

AN ACT

For the relief of Capt. Philip Miller.

WHEREAS, Captain Philip Miller, in command of company E, 2d regiment Ohio volunteers, in the three months' service, volunteered, and with his company was ordered to Harrisburg, Pa., where he became insane, and was confined in the lunatic asylum, and remained unfit for service with his company; AND WHEREAS, in his absence from his company, another person was commissioned and drew the pay of captain for the entire term of service; it is therefore enacted as follows, to wit:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state be and he is hereby directed to draw his warrant on the treasurer of state, in favor of Captain Philip Miller, late of company E (Lafayette Guards) of the 2d regiment of Ohio volunteers, in the three months' service, for the sum of two hundred and eighty-eight dollars, being for three months' pay as captain, with rations; to be paid out of any moneys that may remain in the treasury, appropriated for the protection of the general government, and that a proper voucher shall be taken therefor by the said auditor, for the purpose of asking the repayment of said money from the general government.

SEC. 2. This act to take effect on its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 10, 1862.

AN ACT

For the relief of Jonas Monger.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the county commissioners of the county of Fulton, to transfer and assign to Jonas Monger, of said county, a certain judgment recovered by said commissioners against one James S. Riddle, in the court of common pleas of said county, or such part thereof as may remain after satisfying the costs accruing in the prosecution of the case against Charles Monger, and such assignment shall vest in said Jonas Monger full power to collect the said judgment, or the portion thereof so assigned, as if the same had been originally rendered in his favor: Provided, that in case said judgment shall have been paid by said James S. Riddle, then said commissioners may pay over the proceeds thereof, or such part and so much of the same as in their opinion shall be just and expedient, to the said Jonas Monger, and may grant any other relief to the said Jonas Monger which they may deem proper, not exceeding the amount of said Riddle judgment.

Sec. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 10, 1862.

AN ACT

To authorize the city of Mansfield to dispose of certain real estate belonging to said city.

WHEREAS, The city of Mansfield, in Richland county, Ohio, is possessed of a certain tract of land, marked "D" upon the original plat of the town (now city) of Mansfield, now on record in the recorder's office of said county, and said tract was set apart by the original proprietors of said town (now city) as a burial ground for the use of said town, and said tract having been so used until a few years since; and

WHEREAS, By the ordinances of said city, said ground can no longer be used as a burial ground, and a large proportion of the bodies formerly interred therein have been removed by their friends; and

WHEREAS, The owners of the reversionary interest in said parcel of ground have deeded the same to said city; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of said city of Mansfield, two-thirds of the members thereof concurring, be and they are hereby authorized to subdivide into building lots, and to sell and convey, lease, or exchange for other real estate, the lot or parcel of ground in the preamble of this act described; and, in their discretion, to apply the proceeds of said sale, lease, or exchange, for the benefit of said city.

Sec. 2. That before said parcel of ground, or any subdivision thereof, shall be sold, leased, or exchanged, as above authorized, at least thirty days' notice shall be given to all persons interested, of the intention to remove the bodies interred from said lot, which notice shall be given by publishing in two newspapers published in said city, during said period of thirty days; and after giving said notice for said thirty days, said city council shall cause the bodies of all persons buried in said ground, and not removed by their friends, to be carefully disinterred, and reinterred in a decent and proper manner in some cemetery in the neighborhood

of said city ; and all monuments and tombstones erected to their memory shall be likewise removed, and again set up over the remains in the new place of interment.

SEC. 3. This act shall take effect and be in force on and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 14, 1862.

AN ACT

Regulating ministerial section number 29, in Delhi township, Hamilton county.

WHEREAS, By reason of the lessees of part of the ministerial section in Delhi township, Hamilton county, having refused to pay the rents reserved therein, together with the taxes due the state, and the sub-lessees having paid portions of such rents and taxes, and as a re-entry by the trustees upon such leased premises and the sale thereof, as provided by section 12 of the act of June 1, 1831, (Swan & Critchfield's Statutes, page 1580,) would impose great hardships upon those sub-lessees who have paid rents and taxes thereon ; it is therefore enacted as follows, to wit :

SECTION. 1. *Be it enacted by the General Assembly of the State of Oh'io*, That the trustees of the original section 29, in Delhi township, Hamilton county, be and they are hereby authorized, in addition to any remedy now provided by law for the collection of rents, to commence in any court having jurisdiction thereof, proceedings in the nature of a foreclosure of mortgage, against any lessee of any of the ministerial lands within said township, or their heirs or assigns, to which proceedings any sub-lessee thereof, and any other person claiming or having any interest therein, shall be made parties.

SEC. 2. That in any such proceedings the court shall find the amount due for rents upon any original lease of said section, and declare the same a lien on said lease-hold estate, and may order the entire lease-hold estate to be sold ; but where any sub-lessee has paid rents upon any particular part of any such lease, or may before sale pay such rents as may be found due on the whole or any part of such lease-hold premises, the court may exempt such parts of the lease-hold estate from sale, and such court may order a sub division of any of such leased premises, or authorize said trustees to make such sub-divisions, and order the lease-hold estate therein to be appraised and sold in parcels as sub-divided, and apportion the rents reserved between the different parcels ordered to be sold, as to them shall seem just and equitable : Provided, the terms of sale shall be one third cash, and the balance in one and two years credit, with six per cent. per annum interest upon deferred payments, to be secured by note and mortgage upon the lease-hold estate so sold.

SEC. 3. That said trustees be and they are hereby authorized to agree in writing with the original lessees of any part of said section, or their heirs or assigns, to apportion the rents reserved therein to separate parts of such lease-hold, so that each sub-lessee, their heirs or assigns, can pay the amount of rents apportioned to his or their share of such premises, and each separate part of such lease-hold estate shall be held for the rents apportioned thereto, and no more : Provided, that in such apportioning of rents, all parties in interest shall agree thereto, and thereupon the original lease shall be surrendered and cancelled, and in all cases where new leases shall be executed, said trustees shall require good and sufficient security upon the lease-hold estate so sub-divided, by lien thereon, for the

payment of the rents reserved, and that all reasonable expenses attending such apportioning of rents and execution of leases shall be paid by such lessees.

SEC. 4. That this act shall take effect on the passage thereof, and that the act of March 3, 1834, printed in vol. 32 local laws of Ohio, page 364, in relation to said section, be and the same is hereby repealed, saving, nevertheless, all rights accrued or liabilities incurred under the provisions of said act.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 16, 1862.

AN ACT

To authorize the sale of school lands belonging to fractional township one, of range two, in the county of Belmont.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of Mead township, in Belmont county, are hereby authorized to sell any school lands situate in the southwest quarter of section 22, township 4, range 3, in said township, and to apply the proceeds of such sale for the use and support of common schools in fractional township one, of range two, in Mead township, aforesaid, in accordance with the provisions of an act entitled "an act to regulate the sale of school lands, and the surrender of permanent leases thereto," passed April 16, 1852, and the acts amendatory of the same.

SEC. 2. This act shall take effect upon its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 19, 1862.

AN ACT

For the relief of the Marietta and National Road Plank Road Company, and especially the
• creditors thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the receiver of the Marietta and national road plank road company, heretofore appointed, or such receiver thereof as may be hereafter appointed by the court of common pleas of the county of Washington, (at the suit of creditors of the said company, against the same,) be and he hereby is authorized to demand, receive and collect, in person or by his agents or appointees therefor, from all travelers and transportation over the bridges of the said company, namely: that over the main Duck Creek at "Cedar Narrows," and that over the eastern branch thereof near "Salem Village," such tolls as the commissioners of Washington county shall allow and prescribe to be taken; and that the said receiver, as such, or in the name of the said company, be authorized to use and be invested with all the legal means and remedies which the said company is, by law, authorized to employ for the collection of tolls, and to prevent or punish any evasion of the payment of tolls, and all the like lawful means for protecting the said bridges from trespass upon or injury of

the same, as effectually as if the said company had fully complied with all terms and conditions of their charter and the laws relating to the same, and the receiver is hereby authorized, for the benefit of the parties interested therein, to cause the said bridges to be insured against loss, and to renew insurances thereof, from time to time, till the purposes hereby provided for shall be attained.

Sec. 2. That the tolls hereby provided to be collected and received shall be applied, first, to the expenses of collecting and receiving the same; secondly, to the necessary and proper repairs and maintenance of the said bridges; thirdly, to the payment of any legal costs of the said creditors' suit against the said company, and to the payment of interest, pro rata, upon the loan and debts of the said company, exclusive of original stock; and fourthly, to the reduction and payment, in like manner, from time to time, as moneys therefor shall accrue, of the principal of the said loans and debts, exclusive of original stock, as aforesaid.

Sec. 3. This grant of relief (for the benefit of the creditors of said company) is made upon the conditions that, when the same shall go into practical effect, the parts of the road, other than the said bridges and their approaches and the proper and necessary appliances for the collection of tolls and the accommodation of the toll-keepers, and excepting any parcel or parcels of land of the company not part or parts of the road, shall be by the said company surrendered and passed over to the county commissioners as a public highway, under the proper and lawful authorities and officials of the county, and that when the said debts, expenses and costs shall have been fully paid and satisfied, exclusive of original stock, the said bridges shall, in like manner, be by the company or the receiver surrendered and delivered over to the commissioners of Washington county for general use, as public county bridges.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 21, 1862.

AN ACT

To extend the time of the payment for the school lands in Wyandot county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of six years from and after the day the respective installments have or may become due from the purchasers of the school lands in Wyandot county, be and the same is hereby given for the payment of the principal of the purchase money: Provided, that the interest and taxes accruing thereon shall be punctually paid as the same become due, according to law; and provided further, that the auditor of said county of Wyandot may require additional security for the payment of the arrears of principal and interest, if, in his opinion, the public safety demands it.

Sec. 2. This act to take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 21, 1862.

AN ACT

To amend an act entitled "an act to incorporate the Trustees of the Protestant University of the United States," passed March 10, 1845.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five of an act entitled "an act to incorporate the trustees of the Protestant University of the United States," passed March 10, 1845, be and the same is hereby amended so as to read as follows :

Sec. 5. That said corporation shall not, at any time, consist of more than twenty members, nor less than ten ; of these, five shall be a board for the transaction of all business, except the removal of the chancellor from office, which shall not be effected without the vote of at least two-thirds of all the trustees of the university.

Sec. 2 That original section five of said act passed March 10, 1845, found in volume 43, Laws of Ohio, page 338, be and the same is hereby repealed.

Sec 3. This act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 23, 1862.

AN ACT

To amend an act entitled "an act to authorize the trustees of Newberry township, in Miami county, to sue for certain moneys loaned by their predecessors to certain individuals," passed April 8, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act aforesaid be and the same is hereby amended to read as follows : That the trustees of Newberry township, in Miami county, Ohio, are hereby authorized to ratify and confirm as valid the act of their predecessors in office, whereby, on the 1st day of April, 1857, they lent to Charles Patty and James Campbell one thousand dollars, belonging to said township, which had been collected for the purpose of paying interest on certain bonds issued by said township, to aid in the construction of the Columbus, Piqua and Indiana railway, and to bring suit on the notes made by the said Charles Patty and James Campbell for the payment of the sum so by them borrowed as aforesaid, as the said trustees might do if the loan aforesaid had been made by authority of law.

Sec. 2. That the first and second sections of the original act aforesaid be repealed, and that this act shall take effect from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 29, 1862.

AN ACT

To extend the time of the payment for the school lands in Mercer county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further period of six years from and after the day the respective installments have, or may become due from the purchasers of the school lands in Mercer county, be and the same is hereby given for the payment of the principal of the

purchase money : Provided, that the interest and taxes accruing thereon shall be punctually paid as the same become due, according to law ; and, provided further, that the auditor of said county of Mercer may require additional security for the payment of the arrears of principal and interest, if, in his opinion, the public safety demands it.

Sec. 2. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

AN ACT

Relative to the Vermillion Institute.

WHEREAS, Since the passage of an act to amend an act passed March 5, 1845, entitled "an act to incorporate the Vermillion Institute," the presbytery of Coshoc-ton, one of the presbyteries for which the trustees were by that act authorized to hold the institute, has ceased to exist, having been united to the presbytery of Wooster by the synod of Ohio ; and

WHEREAS, The trustees represent that some changes, growing out of this fact, have become necessary ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees shall consist of ten persons, who shall hold their office for the term of five years, except as hereafter provided, and five of them, the president or secretary being one of them, shall form a quorum for the transaction of business.

Sec. 2. The trustees shall be elected by the presbytery of Richland and Wooster, each presbytery electing one-half of the whole number, and in such manner that the term of office of two of said trustees whose names stand first on the list, shall expire every year, and their places be filled by a new election ; and the present trustees shall hold their offices until the respective presbyteries shall have supplied their places according to the provisions of this section.

Sec. 3. So much of section one of the said act amending the act entitled "an act to incorporate the Vermillion Institute," as relates to the number of trustees who shall hold the institute in trust, and so much of section two as relates to the number of presbyteries, electing the trustees of the institute, is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

RESOLUTIONS.

JOINT RESOLUTION,

Relative to making arrangements for the inauguration of the governor and lieutenant governor.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the Senate, and five on the part of the House, be appointed to make arrangements, if any be necessary, for the inauguration of the governor and lieutenant governor of the state of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

JOINT RESOLUTION,

Relative to the appointment of a committee to wait upon the governor elect, and inform him of his election.

Resolved by the General Assembly of the State of Ohio, That a committee consisting of three on the part of the Senate, and five on the part of the House, be appointed to wait upon the Hon. David Tod, and inform him of his election to the office of governor of the state of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

JOINT RESOLUTION,

Relative to the appointment of a committee to wait upon the lieut. governor elect, and inform him of his election.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the Senate, and five on the part of the House, be appointed to wait upon the Hon. Benjamin Stanton, lieut. governor elect, and inform him of his election.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

JOINT RESOLUTION,

Relative to the appointment of a committee to wait upon the treasurer of state elect, and inform him of his election.

Resolved by the General Assembly of the State of Ohio, That a committee consisting of three on the part of the Senate, and five on the part of the House, be appointed to wait upon the Hon. G. Volney Dorsey, and inform him of his election to the office of treasurer of the state of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

JOINT RESOLUTION,

Relative to the appointment of a committee to wait upon the secretary of state elect, and inform him of his election.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the Senate, and five on the part of the House, be appointed to wait upon the Hon. B. R. Cowen, and inform him of his election to the office of secretary of state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

JOINT RESOLUTION,

Relative to the appointment of a committee to wait upon the comptroller of the treasury elect, and inform him of his election.

Resolved by the General Assembly of the State of Ohio, That a committee consisting of three on the part of the Senate, and five on the part of the House, be appointed to wait upon the Hon. Joseph H. Riley, and inform him of his election to the office of comptroller of the treasury.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

JOINT RESOLUTION,

Relative to reporting and printing the daily proceedings of the General Assembly.

Resolved by the General Assembly of the State of Ohio. That a special committee of three on the part of the House, and two on the part of the Senate, be appointed to consider the matter of reporting and printing the daily proceedings of the General Assembly, and that they report by bill or otherwise, as early as practicable.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Jan. 27, 1862.

JOINT RESOLUTION,

Relative to procuring flags for the state-house.

Resolved by the General Assembly of the State of Ohio, That the superintendent of the state-house is hereby directed to procure two American flags, of suitable size, to be displayed over the capitol, one to be placed on the flag-staff over the senate chamber, the other over the hall of representatives, to be raised when the houses are in session, and lowered during recess and adjournment; also to be raised on all public days.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed January 10, 1862.

JOINT RESOLUTION,

Relative to the description of flags to be displayed over the state-house.

WHEREAS, On the tenth day of January, 1862, the general assembly passed a joint resolution directing the superintendent of the state-house to procure flags, to be displayed over the capitol; therefore,

Resolved by the General Assembly of the State of Ohio, That the said flags referred to shall be of the description of "storm flags."

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

JOINT RESOLUTION,

Relative to the payment of senate reporter.

Resolved by the General Assembly of the State of Ohio, That Elias Longley shall receive four dollars per day from the commencement of the present session of the legislature to this date, for reporting the proceedings of the senate; to be paid out of any money appropriated to defray the expenses of the general assembly, on the order of the auditor of state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed January 24, 1862.

JOINT RESOLUTION,

Relative to a vote of thanks to Gen. Thomas and Cols. Garfield and McCook.

Resolved by the General Assembly of the State of Ohio, That Gen. Geo. H. Thomas and Colonels J. A. Garfield and R. S. McCook, together with the brave officers and men in their respective commands, by their recent victories in Ken-

tucky, have deserved well of their country, and are entitled to the thanks of this general assembly, and the same are hereby tendered to them, for bravery in battle, and glorious victories over the enemies of the Union.

Resolved, That the governor be and he is hereby requested to forward copies of this resolution to the officers named in the foregoing resolution, and that they be requested to have the same read to their respective commands.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed January 25, 1862.

JOINT RESOLUTIONS,

Relative to the direct and income tax imposed by congress upon the United States, by an act approved August 5, 1861.

WHEREAS, The state of Ohio, by "an act to provide for the defense of the state, and for the support of the general government against rebellion," passed April 18, 1861, and "an act making appropriations of general revenue for the year 1861," passed April 20, 1861, and "an act to provide more effectually for the defense of the state against invasion," passed April 26, 1861, appropriated in all three millions and thirty thousand dollars for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the present insurrection against the United States; and

WHEREAS, The Congress of the United States, by "an act to indemnify the states for expenses incurred by them in defense of the United States," approved July 27, 1861, directed the secretary of the treasury, out of any money not otherwise appropriated, to pay to the governor of any state, or to his duly authorized agent, the costs, charges and expenses properly incurred by such state in aiding to suppress the present insurrection; and

WHEREAS, The United States, after crediting the entire amount refunded under the act of July 27, 1861, remains indebted to the state of Ohio in a large balance, which will be increased by war liabilities of the state, incurred, but not yet paid; and

WHEREAS, The congress, by "an act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved August 5, 1861, laid upon the United States a direct tax of twenty million dollars, and apportioned of the same to the state of Ohio one million five hundred and sixty-seven thousand eighty-nine and a third dollars, and also imposed a tax upon the income of every person residing in the United States, subject to certain conditions and qualifications; and

WHEREAS, In said last named act it was further provided that, upon giving notice to the secretary of the treasury, on or before the second Tuesday of February, 1862, of its intention so to do, any state might assume the amount of direct tax apportioned to it, and might pay said amount, in whole or in part, by releasing any liquidated and determined claims of such state, of equal amount, against the United States, and that by so paying said direct tax on or before the last day of June, 1862, such state should be entitled to a deduction of fifteen per centum therefrom; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the auditor is hereby authorized and directed to give notice, on or before the second Tuesday of February, 1862, that the state of Ohio will pay the part of said direct tax apportioned

to it, on or before the last day of June, 1862. And if the claim of the state shall, at the time of such payment, be larger than its part of said direct tax, the auditor is directed to execute and deliver to the United States, in payment of said tax, a release of so much of said claim as shall be equal to said tax, less fifteen per centum deduction therefrom; if said tax, after making such deduction, shall be larger than the claim of the state, the auditor is directed to apply the claim in part payment, and pay the difference according to authority to be conferred by law. And said auditor is authorized to furnish vouchers, and do what may be necessary to liquidate and determine the claim of the state.

Resolved, That direct taxes, under the constitutional requirement that they shall be apportioned, operate unequally upon the states, and that a tax upon incomes is an indirect tax, and cannot be apportioned.

Resolved, That the senators and representatives from this state in the congress of the United States be and are hereby requested to endeavor to procure a modification of so much of the act of August 5, 1861, as imposes a tax upon incomes, so that the states may collect the same, with a proper allowance for so doing.

Resolved further, That it is the duty of congress, and that our senators and representatives be requested, in all future legislation imposing taxes, to encourage taxation by a uniform rule, and to avoid that required to be apportioned.

Resolved, That the governor be and is hereby requested to cause to be sent to each of our senators and representatives in congress a duly certified copy of the foregoing resolutions.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 27, 1862.

JOINT RESOLUTION,

Relative to granting citizenship to foreigners honorably discharged from the army.

WHEREAS, Many worthy men of foreign birth, not enjoying the rights and privileges of citizenship, have volunteered in the service of the United States, and are now hazarding their lives and fortunes in defense of our constitution and laws; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our senators be instructed, and our representatives in congress requested, to use their endeavors to procure such amendment to the laws for the naturalization of foreigners as will secure letters of naturalization to such free white persons of foreign birth as may produce, before any court of record in the United States, proof of lawful age, and of service in the army of the United States in the present war, and of an honorable discharge therefrom.

Resolved, That the governor be requested to transmit copies of the above resolution to our representatives in Congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Jan. 27, 1862.

JOINT RESOLUTION,

Relative to establishing a national armory in Ohio.

Resolved by the General Assembly of the State of Ohio, That our senators be instructed, and our representatives in congress be requested, to use all honorable efforts to procure the location of the contemplated national armory at some suitable point within the state of Ohio; and that, considering the patriotism of the people of the state, its central location, the skilled labor of many of its citizens, its facilities of communication, its productiveness in minerals and all needful supplies, as representatives of its people we consider the incidental advantages attendant upon such an establishment, justly due to this state.

Resolved, That the governor communicate copies of these resolutions to the president and heads of departments, and our senators and representatives in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Jan. 27, 1862.

JOINT RESOLUTION,

Relative to per diem of messenger boys.

Resolved by the General Assembly of the State of Ohio, That the messenger boys of the senate and house of representatives, be paid one dollar and a half per day, respectively, for their services during the present session of the legislature.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 28, 1862.

JOINT RESOLUTION,

Relative to the construction of a railroad from Steubenville, Ohio, to the line of Pennsylvania.

WHEREAS, The condition of the country, in all its relations, calls upon us for the maintenance, not only of our civil institutions, but the development of all our material, agricultural and industrial pursuits—now whilst the business of our state is and has been much retarded in the safe transportation of its products for want of additional routes of trade and travel leading to the sea-coast, and even when the general government itself was first threatened with rebellion, the same evil was sorely felt. The urgent need of our people and the promptness and alacrity with which Ohio offered her blood and treasure to defend our sister state, Virginia, from invasion, justify us in calling upon her, believing the favor will be readily acceded to; therefore be it

Resolved by the General Assembly of the State of Ohio, That the construction of a railroad from Steubenville, Ohio, over the territory of Virginia, to the state line of Pennsylvania, is demanded alike for the convenience of our people, the transportation of the mails, and the consideration before alluded to.

Resolved by the General Assembly of the State of Ohio, That the governor of the state be requested to forward a copy of this preamble and resolutions to the governor of the state of Virginia, to have the same laid before the legislature of said state, respectfully asking them to grant the right of way for building the railroad aforesaid across their territory, and for building and maintaining a bridge across the Ohio river at or near the city of Steubenville.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 28, 1862.

JOINT RESOLUTION,

Relative to procuring copies of an outline map of Ohio.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and is hereby authorized to procure for the use of the general assembly, two hundred of Gibson & Co's. large maps of Ohio, showing the population of each county, &c , or such similar map as can be procured on the most reasonable terms, the same to be left to the discretion of the secretary of state

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 31, 1862.

JOINT RESOLUTION,

Relative to establishing a naval depot on the western lakes.

WHEREAS, It is understood that lieutenant Totten, of the United States engineer department, has advised the United States government to establish a naval depot at some point on the western lakes; and,

WHEREAS, The security of the commerce of the lakes, as well as the safety of the state of Ohio, and other states of the north-west, would be promoted by the establishment of such a depot at some point in Ohio, on the southerly or south-westerly shore of lake Erie, or some of the bays or inland waters connected therewith, where shipping and supplies could be best protected from danger or injury by an armed enemy; therefore,

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to use their influence to procure the establishment of such depot at some of the points indicated in the foregoing preamble, at as early a day as practicable.

Resolved, That the governor be requested to forward to our senators and representatives in congress, copies of the above preamble and resolution.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 31, 1862.

JOINT RESOLUTION,

Relative to the admission into the Central Ohio Lunatic Asylum of four patients from the state of Virginia.

WHEREAS, From the unsettled and rebellious condition of a large portion of the state of Virginia, the western portion thereof has been deprived of access to, and the use of, the lunatic asylums located at Staunton and Williamsburgh; and

WHEREAS, Upon the application of Gov. Pierpont, the late Governor Dennison admitted into the Central Lunatic Asylum of this state four patients, which admission has been fully approved by the trustees and superintendent thereof, "as a step of necessity, and fully sanctioned in the light of humanity and patriotism;" therefore, be it

Resolved by the General Assembly of the State of Ohio, That the action of Governor Dennison, the trustees and the superintendent of the Central Ohio Lunatic Asylum, in the admission of the cases referred to, upon the application of Gov. Pierpont, be and the same is hereby fully and cordially approved; subject to removal whenever, in the opinion of the trustees and superintendent of the institution, comity with a sister state in the condition of Virginia justifies, or the interest and requirements of our own state, to make room for those of her own citizens who need the benefit afforded to them by the benevolent institutions of the state, demand it.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed January 31, 1862.

JOINT RESOLUTION,

Relative to printing the reports of state officers.

Resolved by the General Assembly of the State of Ohio, That there be printed, in the English language, of the report of the adjutant-general 3,000 copies—for the adjutant-general 300 copies, and for the general assembly 2,700 copies; of the report of the quartermaster-general 1,000 copies—for the quartermaster-general 200 copies, and for the general assembly 800 copies. And in the German language, 3,000 copies of the report of the auditor of state—300 copies for the auditor of state, and 2,700 for the use of the general assembly; and 3,000 copies of the report of the adjutant-general—300 copies for the adjutant-general, and 2,700 copies for the use of the general assembly.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed Feb. 6, 1862.

JOINT RESOLUTION,

Relative to the protection of our soldiers from the imposition of sutlers in the army.

WHEREAS, The privileges allowed by the general government to sutlers attending our armies have been greatly abused, and, as the result thereof, soldiers have

been cheated and defrauded of their money, and have paid large sums to sutlers without any adequate consideration therefor; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our senators in congress be and they are hereby instructed, and our representatives requested, to use their best endeavors to procure the passage of a law abolishing the office of sutlers in the army, and providing that all necessaries be furnished our soldiers through the commissaries of the army.

2. *Be it further resolved,* That the governor of Ohio be and he is hereby requested to forward copies of these resolutions to our senators and representatives in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 7, 1862.

JOINT RESOLUTION,

Relative to requesting congress to pass such laws as will prevent fraud and corruption by the agents and officers of the government.

WHEREAS, We regard with surprise, anxious alarm, pain and regret, the evidences that have reached us, and the disclosures that have been made in congress, of wastefulness, fraud and speculation, based upon deep corruption, among the subordinate agents of our national government, in connection with supplies for the army of the United States; and

WHEREAS, These frauds largely increase the public expenditure, the burden of a loyal people, bring scandal upon our free institutions, and poison the people's confidence in their government—in short, strike a death-blow at the cause of freedom; and

WHEREAS, Especially at this time, an abiding faith and firm confidence in the integrity of our public officers is indispensable for the public good, the successful overthrow of the rebellion, and the nation's credit at home and abroad; therefore, be it

Resolved by the General Assembly of the State of Ohio, That congress be and hereby is respectfully asked to provide suitable and effective laws, with proper penalties attached, for all manner of fraud practised by any person in any contract with the national government, and especially in those made in conformity with appropriations for the supply and pay of our army and navy, exposing the names of all that are found guilty of such violations.

Resolved, That the governor be requested to forward copies of the foregoing preamble and resolution to our senators and members in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 11, 1862.

JOINT RESOLUTION,

Relative to printing and binding the reports of the commissioner of statistics.

Resolved by the General Assembly of the State of Ohio, That there be printed in English three thousand copies of the report of the commissioner of statistics—for the use of the commissioner one hundred copies, for the secretary of state fifty copies, and for the state librarian three hundred copies, and the remainder to be distributed to the members of the general assembly; and in German one thousand copies, to be distributed to the members of the general assembly. All of said reports to be printed by the commissioner of state printing, under the laws, as to price, &c., passed March 24, 1860, and all of said reports to be bound in muslin, for the use of the librarian, the said commissioners, and the members of the general assembly.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 11, 1862.

JOINT RESOLUTION,

Relative to the appointment of a committee to prepare joint rules for the government of the two houses.

Resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the senate, and three on the part of the house, be appointed to prepare joint rules for the government of the two houses.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 13, 1862.

JOINT RESOLUTION,

Relative to the establishment of a branch clothing bureau, &c.

WHEREAS, The state of Ohio is ever ready to contribute her just proportion of men and money toward the support of the federal government against the present rebellion; and

WHEREAS, The burdens of this rebellion fall as heavily upon the western states as upon the eastern; and

WHEREAS, The incidental advantages resulting from the expenditures of the government should be distributed upon the same principle; and

WHEREAS, It is understood that an effort is now making to take from the western cities large contracts for the manufacture of clothing and other articles, and to transfer them to the cities of New York, Philadelphia and Boston; and

WHEREAS, Those contracts have been fulfilled in the cities of the west as well, promptly and cheaply as in the cities of the east; therefore,

Resolved by the General Assembly of the State of Ohio, That this body, representing the people of Ohio, does most earnestly protest against such unfair distribution of public patronage, and insists that injustice shall not be done the cities of Ohio in the removal of work performed for the army of the United States.

Resolved, That the governor of the state of Ohio be requested to send copies of these resolutions to the proper civil and military authorities at Washington.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 13th, 1862.

JOINT RESOLUTION,

Relative to the opening of the Baltimore and Ohio railroad.

WHEREAS, The main trunks of railroads now in operation between the west and the east are so blockaded by the immense amount of freights, that shipments can not be made from the several large shipping points for want of sufficient transportation, because of the closing of the Baltimore and Ohio railroad, to the serious detriment of the commercial interests of the state of Ohio; and

WHEREAS, The west is deprived of a southern market because of the rebellion in the southern states, and is now shipping its wealth of products eastward instead of southward, thereby increasing the necessity of greater means of transportation of the products of the Mississippi valley to the new markets; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our senators be instructed, and our representatives be requested, to urge upon the federal government the importance of giving to the Baltimore and Ohio railroad, at the earliest day practicable, such military protection as will insure the opening of the same.

Resolved, That the governor of Ohio be and is hereby requested to transmit copies of this resolution to each of our senators and representatives in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 14, 1862.

JOINT RESOLUTION,

Relative to a vote of thanks to general Grant, flag officer Foote and others, for their courage and gallantry exhibited in the bombardment and capture of Fort Henry.

Resolved by the General Assembly of the State of Ohio, That the thanks of the people of Ohio be, and through their representatives are hereby tendered to general Grant and flag officer Foote, and the brave men under their command, for the courage, gallantry, and enterprise exhibited in the bombardment and capture of Fort Henry—a victory no less brilliant in itself than glorious in its results—giving our army a foothold in Tennessee, and opening the way for early advance to the capital of that state.

Resolved, The governor transmit copies of these resolutions to said officers, with the request that the same be read to the men under their command.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed February 14, 1862.

JOINT RESOLUTION,

Relative to purchasing chairs.

Resolved by the General Assembly of the State of Ohio, That the sergeant-at-arms of the Senate and House be directed to purchase, for the use of the two halls and committee rooms, fifteen dozen chairs, at a price not exceeding \$5.00 per dozen.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 14, 1862.

JOINT RESOLUTION,

Instructing our senators and requesting our representatives to use their best efforts to secure a speedy passage of a bill, by the congress of the United States, providing for the issuing of demand treasury notes, and making the same a legal tender.

Resolved by the General Assembly of the State of Ohio, That in the opinion of this General Assembly, the passage of a bill, by the congress of the United States, providing for the issuing of demand treasury notes, and making such notes a legal tender for all purposes, is important as a means of support to the government; and the representatives in congress from this state are hereby requested, and senators from this state hereby instructed, to use their best efforts to secure a speedy passage of such bill.

Resolved, That a copy of these resolutions be immediately telegraphed to our senators and representatives in congress, with a request that they lay the same before their respective bodies.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 15, 1862.

JOINT RESOLUTION,

Relative to a vote of thanks to general Burnside and commander Goldsborough, the officers and men under their respective commands, for their recent victories in eastern North Carolina.

Resolved by the General Assembly of the State of Ohio, That the thanks of all loyal people of the Union are due to general Ambrose E. Burnside and commander Goldsborough, and the brave officers and men under their respective commands, for their recent brilliant victories in eastern North Carolina over the rebel forces; and that this General Assembly, as the representatives of the people of Ohio, hereby proffer their heartfelt thanks and hearty congratulations on the beginning of what all patriots hope may be the speedy end of the "great rebellion."

Resolved, That the governor be and he is hereby requested to communicate these resolutions to the officers named above, with the request that they be made known to their commands.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 17, 1862.

JOINT RESOLUTION,

Relative to re-districting the state for congressional purposes.

WHEREAS, A bill has passed the House of Representatives of the United States, and is now pending in the Senate, giving to this state one additional member of congress; and

WHEREAS, No action can be taken by the General Assembly to re-district the state for congressional purposes until the final disposition of said bill by congress; therefore,

Resolved by the General Assembly of the State of Ohio, That the governor be requested to telegraph our senators in congress, to use their best endeavors for an early and final disposition of said bill, with a request that they telegraph him the result so soon as ascertained.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 19, 1862.

JOINT RESOLUTIONS,

Relative to a vote of thanks to major general Grant, flag officer Foote, and to the officers, and soldiers and sailors under their commands.

Resolved by the Senate and House of Representatives of the State of Ohio, That the thanks of this General Assembly are hereby extended to major-general Grant and flag officer Foote, and to the brave officers, soldiers and sailors under their commands, for the courage and energy which they so signally evinced in the attack upon Fort Donaldson, which resulted in the capture of that fort and its garrison.

2d. *Resolved*, That we deeply sympathize with the families of the men who bravely fell in that victorious conflict; we deplore their loss, and shall ever hold them in honored and grateful remembrance.

3d. *Resolved*, That the governor be requested to forward copies of the foregoing resolutions to general Grant and flag officer Foote, with the request that the same may be communicated to the men under their commands.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 24, 1862.

JOINT RESOLUTION,

Relative to a celebration of Washington's birthday by the two houses of the general assembly.

Resolved by the General Assembly of the State of Ohio, That the two houses will assemble in their respective halls on Saturday, the 22d day of February instant, at 10 o'clock A. M., when the farewell address of George Washington to the people of the United States shall be read by or under the direction of the presiding officers of said houses.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 24, 1862.

JOINT RESOLUTIONS,

Relative to retrenchment in the public benevolent institutions of the state.

Resolved by the General Assembly of the State of Ohio, First, That, in view of the enormous expense incident upon the prosecution of the war to restore the government and put down rebellion, and thus preserve for us and our children the benefits of those free institutions of which we boast, (the expense of which must be borne by the people,) the strictest economy should be practiced in the management of all the benevolent institutions, as well as in every other branch of the government, and that the number of persons and officers employed should be lessened, and the amount paid to the officers and employees should be diminished, if the same can be done without injury to the public service or impairing the efficiency and usefulness of those institutions.

Second. *Resolved,* That the trustees and superintendents of the different benevolent institutions of this state be requested to meet the committee of the senate and house of representatives on benevolent institutions, at the central lunatic asylum, on the 27th of February inst., for the purpose of scrutinizing the expenses, and determining what deduction (if any) can be made from the appropriations asked for said institutions, without impairing their usefulness, and that said committees report the result of their investigation at the earliest practicable moment.

Third. *Resolved,* That the governor be respectfully requested to forward a copy of these resolutions to the superintendents and trustees of each of said benevolent institutions.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

Passed February 25, 1862.

JOINT RESOLUTION,

Relative to the admission of Mary Fry, a lunatic, of Tuscarawas county, Ohio, into the lunatic asylum of the state of Ohio.

WHEREAS, Mary Fry, a lunatic, now in the infirmary of Tuscarawas county, Ohio, having resided in Ohio for nearly twenty years, but, in consequence of a temporary absence for something over two years, (she having with her husband

removed to and resided in Illinois during that time,) she is by the 19th section of the act passed April 7th, 1856, entitled "an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane," deprived of the right of being admitted into the lunatic asylum of the state of Ohio, her lunacy having commenced during her short stay in Illinois; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the provisions of the 19th section of said act be suspended so far as to entitle the said Mary Fry to all the rights and privileges of a citizen of the state of Ohio, and admission into the lunatic asylum of the state under the same provisions and restrictions as other insane persons are now admitted into said asylums.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed March 6, 1862.

JOINT RESOLUTION,

Relative to the adoption of additional joint rules.

Resolved by the General Assembly of the State of Ohio, That the joint committee on rules be instructed to inquire into the expediency of adopting the following as additional joint rules for the government of the proceedings of this general assembly:

1st When any bill shall have passed one house, and shall be amended in the other, the amendment shall be engrossed upon a separate piece of paper, and returned, with the engrossed bill received from the other house, to the house in which it originated. And no bill originating in one house shall be engrossed in the other.

2d. All bills shall be engrossed by writing the same on suitable engrossing paper, in a plain and clear hand, without interlineation or erasures.

3d. No bill shall be subject to amendment, commitment, or other action of either house, after the enrolling committee of such house shall have reported the same correctly enrolled.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed March 6, 1862.

JOINT RESOLUTION,

Relative to printing extra copies of the report of the senate committee on agriculture, on the cultivation of the sugar beet.

Resolved by the General Assembly of the State of Ohio, That three thousand extra copies of the report of the senate committee on agriculture, on the cultivation of the sugar beet and the manufacture of sugar therefrom, be printed in English, and one thousand of said reports be printed in German, for the use of the general assembly, to be printed under the provisions of the general law on printing.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

Passed March 6, 1862.

JOINT RESOLUTIONS,

Relative to the execution of leading rebels.

WHEREAS, Wicked and ambitious traitors have, without cause, plunged our nation into civil war; disregarding all fraternal obligations; falsifying the most sacred injunctions that can be applied to the conscience, their solemn oaths; forcing upon us an expense of millions of money, and incalculable loss in the prostration of business, and untold miseries in the sacrifice of human life; and

WHEREAS, Recent developments manifest a disposition on the part of the leaders of the rebellion to ask terms and sue for peace; therefore, be it

Resolved by the General Assembly of the State of Ohio, That in view of the loss of loyal blood and treasure, our government can not, without loss of character, and injustice to the noble dead that have fallen in defense of its authority and the rights of humanity, accept less than an unconditional submission to the supremacy of the constitution and the laws.

Resolved, That the future peace of the United States, and the permanency of the government, as well as the best interests of humanity throughout the world, demand the speedy trial and summary execution of all leading conspirators in the attempt to destroy the government; and, in the name of the people of Ohio, who have given their money and lives without stint for the preservation of our liberties, we protest against the entertainment of any proposition for settlement other than unconditional submission to the rightful authority, and the condign punishment of the authors of the rebellion.

Resolved, That the governor be requested to transmit a copy of the foregoing to the president and to each member of the cabinet, and to each of our senators and representatives in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 14, 1862.

JOINT RESOLUTIONS,

Relative to a vote of thanks to Brigadier-General Curtis and others.

Resolved by the Senate and House of Representatives of the State of Ohio, That the thanks of the people of this state are due, and are hereby tendered, through their general assembly, to Brigadier-General Samuel R. Curtis, a native and for a long period a resident of this state, for the honor conferred upon the state and the signal service he has rendered the country at large in connection with the army during the present war, and especially for the bravery, gallantry and good conduct exhibited by him in planning and executing the movement of the army under his command, which resulted in the brilliant victory to our arms of the 8th of March instant, at Pea Ridge, in the Ozark Mountains of Arkansas, accomplishing the total rout and defeat of the combined force of the rebels under Van Dorn, Price and McCulloch.

Resolved further, That our thanks are due and are hereby tendered to Brigadier-General Sigel, and Colonels Asboth, Davis and Carr, and the officers and soldiers under their command, for the skill, courage and endurance evinced by each of them in contributing to the same grand result.

Resolved, That our warm and earnest sympathies are extended to the friends and relatives of the gallant dead who fell upon that occasion.

Resolved, That the governor be requested to transmit a copy of these resolutions to General Curtis, to be by him communicated to the officers and soldiers under his command.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 18th, 1862.

JOINT RESOLUTION,

Relative to the claim of Sylvester Medberry.

WHEREAS, On or about the 15th day of February, A. D., 1860, John Waddle, then member of the board of public works, issued his check numbered 497, in favor of Sylvester Medberry, resident engineer on the Hocking canal and Muskingum Improvement, for the sum of three hundred and seventy-five dollars in payment of said Medberry's services as such engineer for the quarter ending on said 15th day of February, which check has not been paid by the state, as appears from the books in the office of the auditor of state, and is supposed to have been lost; therefore, be it

Resolved by the Senate and House of Representatives, That John B. Gregory, now the acting commissioner of the board of public works for the Muskingum Improvement, Hocking canal, and southern division of the Ohio canal, be and he is hereby authorized to issue his check to the said Sylvester Medberry for the sum of three hundred and seventy-five dollars in lieu of said lost check, and that the auditor of state be authorized to issue his warrant on the treasury of state for the same, upon the said Medberry executing to the state of Ohio an undertaking with security to the satisfaction of the auditor of state, conditioned that the said Sylvester Medberry will save and keep the state harmless, and fully indemnify against all loss or damage on account of the said original check so supposed to be lost as aforesaid.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 20, 1862.

JOINT RESOLUTION,

Relative to cleaning and repairing arms, &c., belonging to the state, by convict labor in the Ohio penitentiary.

Resolved by the General Assembly of the State of Ohio, That the warden and directors of the Ohio penitentiary be and they are hereby authorized to contract with the proper military authorities for the hire of such convict labor as may be advantageously employed in the cleaning and repairing of arms, harness and military equipments, and that they be and are hereby authorized to fit up such shop-room in the institution as is not otherwise occupied, and make such purchases of tools as may be necessary for that purpose.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

March 28, 1862.

JOINT RESOLUTION,

Relative to printing extra copies of the laws.

Resolved by the General Assembly of the State of Ohio, That the supervisor of the public printing is hereby authorized and required to cause the general laws of this session of the legislature to be printed by the state printer, under his present existing contract, as rapidly as the same may be after their enactment, and whenever so many may be printed as will constitute a form, to wit : sixteen pages, that he cause fifteen hundred copies of the same to be distributed among the members of the General Assembly for their use, said copies to be furnished out of the twenty-five thousand copies directed to be printed by law.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 28, 1862.

JOINT RESOLUTION,

Relative to extending to Rev. W. G. Brownlow an invitation to visit the capital of Ohio as the guest of the General Assembly.

WHEREAS, The heroic and patriotic Rev. W. G. Brownlow, of Knoxville, Tennessee, is now in Cincinnati; and

WHEREAS, The members of this General Assembly, feeling anxious to extend to the said W. G. Brownlow their personal congratulations on his deliverance from the cruelty and oppression to which he has been subjected at the hands of the rebels; and

WHEREAS, Having the highest admiration for that unflinching fidelity which, under such trying circumstances, he has maintained for the constitution and the Union; therefore, be it

Resolved by the General Assembly of the State of Ohio, That Rev. W. G. Brownlow, of Knoxville, Tennessee, be invited and earnestly requested to visit the capital of Ohio as the guest of this General Assembly; and that a committee of five, two of the Senate and three of the House, be appointed by the President of the Senate and the Speaker of the House, whose duty it shall be to communicate this invitation to the said Rev. W. G. Brownlow in such manner as they shall deem appropriate and proper.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

March 29, 1862.

JOINT RESOLUTION,

Relative to a modification of the proposed tax by congress on leaf tobacco.

WHEREAS, A bill has been introduced into the House of Representatives, in congress, emanating from the committee of Ways and Means, to provide internal revenue to support the government and pay interest on the public debt; and

WHEREAS, Said bill proposes a tax on leaf tobacco of three cents per pound, being equal to about sixty-seven per cent. on the value thereof; and forming an unjust and oppressive discrimination against a legitimate agricultural pursuit, greatly to the injury of a large and respectable portion of the loyal citizens of Ohio, as well as of other states; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to use their influence to so modify the proposed tax on leaf tobacco, as to equalize it with the assessments made on other legitimate pursuits of agriculture.

Resolved, That the governor be requested to forward a copy of this preamble and resolution to each of our senators and representatives in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

JOINT RESOLUTION,

Relative to the raising of internal revenue.

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be and they are hereby respectfully requested to procure and support such an amendment to the bill for the purpose of raising internal revenue as may permit the several states to collect the same within their respective limits, and determine the compensation of the officers by them employed.

Resolved, That the governor of this state be requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

JOINT RESOLUTION,

Relative to a vote of thanks to General Shields and the officers and men under his command.

Resolved by the Senate and House of Representatives of the State of Ohio, That a vote of thanks be and is hereby tendered to Brigadier-General Shields, and the brave officers and men under his command, for their gallant conduct in the recent victory at Winchester, Virginia.

Resolved, That the governor be and he is hereby requested to transmit a copy of the foregoing resolution to Brig.-General Shields, to be read to his command.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

JOINT RESOLUTION,

Relative to claims of Jacob L. Vance, for work done on section No. 35 on the Miami Canal extension.

Resolved by the General Assembly of the State of Ohio, That the board of public works are hereby instructed to examine the claim of Jacob L. Vance, for compensation claimed by him to be due as contractor on section No. 35 on the Miami Canal extension, and report the facts to the general assembly at its present session if practicable, and if not, at its next session, and said board shall have power to send for persons and papers, and hear testimony.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

JOINT RESOLUTION,

Relative to furnishing transportation to sick and disabled soldiers.

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized, in his discretion, to furnish transportation, at the expense of the state, to any Ohio volunteers enlisted in the service of the United States, who are unable to provide such transportation themselves, to their homes, or to enable them to rejoin their regiments, who may be in hospital or discharged on account of sickness or other disability, upon the presentation by such applicant of a furlough or discharge.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 3, 1862.

JOINT RESOLUTION,

Relative to rebel officers in Columbus, and Camp Chase prison.

WHEREAS, The feelings of the loyal people of Ohio have been outraged by the appearance in the streets of their capital of rebel officers in rebel uniforms, released on parole, and by the fact that rebel prisoners in Camp Chase prison have been permitted to retain and use their former slaves as servants, thus practically nullifying our state constitution, by allowing slavery in Ohio; and

WHEREAS, Said matters are not under the control of the governor or state authorities; therefore,

Resolved by the General Assembly of the State of Ohio, That, in the name of the people of Ohio, who have freely given their treasure and their blood to sustain the government and the Union, we do most solemnly protest against this mistaken clemency to the guilty, and this outrage upon the feelings of the loyal people of Ohio.

Resolved, That a copy hereof, together with a copy of the report of said select committee, be forwarded by the governor to the president of the United States, the secretary of war, and our senators and representatives in congress.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 8, 1862.

JOINT RESOLUTION,

Relative to the transportation of nurses to the hospitals in which sick or wounded Ohio soldiers may be confined.

Resolved by the General Assembly of the State of Ohio, That the governor is hereby authorized to pay, from the military contingent fund, for the transportation of an additional number of nurses to hospitals in which sick or wounded Ohio soldiers may be confined, whenever the prevalence of epidemics, or the large number of those wounded in battle, or other exigencies of the service, may, in his opinion, require it: Provided, that the sending out of these additional nurses shall be attended with no other expense to the state than the payment of transportation as aforesaid; and provided said nurses shall remain at such place or places as the governor may direct, and perform the duties of nurses during the pleasure of the governor, or for a specified time named by the governor in advance of their transportation.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 8, 1862.

JOINT RESOLUTION,

Relative to authorizing the governor to accept the volunteer services of surgeons.

WHEREAS, It is a melancholy fact that, in the extensive engagements of our troops with rebellion, many of our brave soldiers have suffered and died for the want of that immediate care which, from the circumstances of battle and the smallness of the regular medical and surgical force, it was impossible to extend to them; and

WHEREAS, It is suggested that many eminent surgeons and physicians, through motives of patriotism and humanity, propose to go and render their services without compensation in the hospitals and upon the battle field, in affording relief to the diseased and wounded, wherever the governor may direct, upon condition that transportation and subsistence be furnished them at the expense of the state; therefore,

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to accept the volunteer services of such number of competent physicians and surgeons, upon the conditions aforesaid, as he may deem proper, who are willing to go where the governor may direct, without compensation, upon being furnished transportation and subsistence.

Resolved, That provision be made in the general appropriation bill to carry this resolution into effect.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 9, 1862.

JOINT RESOLUTION,

Relative to adopting the United States infantry tactics for the instruction of the militia of Ohio.

Resolved by the General Assembly of the State of Ohio, That the United States infantry tactics, for the instruction, exercise and maneuvers of the United States infantry, including infantry of the line, light infantry and riflemen, prepared under

the direction of the war department, and authorized and adopted by the secretary of war, May 1, 1861, together with the system of questions appended to the text by Lieut.-Col. H. B. Wilson, be and the same is hereby authorized and adopted for the instruction of the military of the state of Ohio

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed April 10, 1862.

JOINT RESOLUTIONS,

Relative to the recent battle at Pittsburgh Landing.

Resolved by the General Assembly of the State of Ohio, That the intelligence just received of the success of our arms in the late important battle at Pittsburgh Landing calls for our sincere acknowledgments to the Sovereign Disposer of events for His interference in our behalf.

Resolved, That the thanks of the state of Ohio are hereby tendered to the gallant officers and men composing our army engaged in this desperate encounter, for their valor and endurance, resulting in such glorious success.

Resolved, That while rejoicing at this victory, we sympathize with the wounded, mourn for the glorious dead, and will honor and venerate their memories.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed April 10, 1862.

JOINT RESOLUTION,

Relative to the per diem pay of Senate reporter.

Resolved by the General Assembly of the State of Ohio, That Joseph P. Santmyer be paid the same amount per day for reporting the proceedings of the Senate, from the eighteenth day of January, A. D., 1862, that is paid John D. Caldwell, official reporter of the House of Representatives, to be paid out of any money appropriated to defray the expenses of the General Assembly.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

April 11, 1862.

JOINT RESOLUTION,

Relative to furnishing the state librarian with copies of Swan & Oritohfield's revised statutes, for exchange; also Curwen's.

Resolved by the General Assembly of the State of Ohio That the secretary of state be and he is hereby authorized and required to deliver to the state librarian, for the purpose of exchange with European governments, and with public libra-

ries, fifteen copies of Swan and Critchfield's revised statutes; also four copies of Curwen's statutes.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed April 14, 1862.

JOINT RESOLUTION,

Relative to transmitting S. J. R. No. 83 to governor Stanton.

WHEREAS, The Hon. Benj. Stanton, lieut. governor of Ohio, has, by direction of the governor of the state, left for the seat of war, in the south-west, there to represent the state and look after the interest and welfare of the Ohio troops; therefore,

Resolved by the General Assembly of the State of Ohio, That the secretary of state be directed to transmit to governor Stanton, a copy of the resolutions passed by this body, on the 9th inst., in relation to the battle at Pittsburg Landing, to be by him published to the army engaged in that battle.

Resolved, That a copy of the foregoing preamble and resolution be transmitted to governor Stanton.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed April 14, 1862.

JOINT RESOLUTION,

Relative to the reception of Rev. W. G. Brownlow.

WHEREAS, Rev. W. G. Brownlow, the tried patriot of Tennessee, has accepted the invitation of the General Assembly to visit Columbus, Monday, April 14, 1862; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the members of the Senate and House of Representatives meet in joint convention in the hall of the House of Representatives, April 14th, at 3½ o'clock, P. M., to receive Rev. W. G. Brownlow, as the guest of the state of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
JAMES MONROE,
President pro tem. of the Senate.

Passed April 14, 1862.

JOINT RESOLUTION,

Relative to the distribution of cotton seed.

WHEREAS, The secretary of the Interior of the United States has advised John H. Klippart, corresponding secretary of the state board of agriculture of this state, that he has caused to be sent to him a quantity of cotton seed, for distribution in

this state, the cost and transportation to this state being paid by the United States; therefore, to provide for the distribution of the same among the people of this state, it is hereby

Resolved by the General Assembly of the State of Ohio, That John H. Klippart, as corresponding secretary as aforesaid, be and he is hereby authorized to distribute said seed in such manner as he shall deem best, for the purpose of determining the adaptation of the soil and climate of Ohio to the raising of cotton; and that to enable him to do so the secretary of state is hereby authorized to furnish suitable paper for bags to put up the same, and the auditor of state is authorized to audit and pay the necessary expense incurred by said Klippart in making the necessary bags, and putting up the seed, not exceeding in all the sum of fifty dollars, and that the same be provided for in the general appropriation bill.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 16, 1862.

JOINT RESOLUTION,

Relative to the collection of arms heretofore distributed to the citizens of the state.

Resolved by the General Assembly of the State of Ohio, That the governor is hereby authorized and requested to direct the quartermaster-general to collect all the arms heretofore distributed to the citizens of the state, and place them for safe keeping in the state arsenal; and in all cases where any of such arms have been delivered to, and are now in the hands of independent companies of volunteer militia, without the taking of the proper bonds for their re-delivery, then and in such cases, to take such bonds as the law requires; and the governor is hereby authorized to direct the quartermaster-general to issue of any such arms not needed for actual service in the field, to organize companies of the militia, taking therefor the proper bonds for their re-delivery upon demand of the state.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

Passed April 19, 1862.

JOINT RESOLUTION,

Relative to an adjournment of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That this General Assembly adjourn on Thursday May 1st, 1862, to meet again in adjourned session at 10 o'clock, A. M., on the first Tuesday of January, 1863.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

JAMES MONROE,

President pro tem. of the Senate.

April 24, 1862.

JOINT RESOLUTION,

Relative to printing, binding and distributing the reports of the state board of agriculture.

Resolved by the General Assembly of the State of Ohio. That the secretary of state be authorized and required by law, under and in accordance with the law passed March 24th, 1860, "to provide for the execution and supervision of the state printing and binding," under the joint supervision of the supervisor of state printing and the secretary of the state board of agriculture, to have printed and bound twenty thousand copies of the report of the state board of agriculture for the year 1861, and twenty thousand copies of the report for the year 1862, of which ten per cent. shall be printed in German; and the size of the type and mechanical execution to conform to the report of said board for the year 1860: Provided, that nothing shall be published in said report except such matter as is authorized by law, not to exceed in size the report of 1860. Two thousand copies of the report for the year 1861, and two thousand copies of the report for the year 1862, to be subject to the order of the state board of agriculture, for exchange and foreign distribution. Eighteen thousand copies of the report for each of said years 1861 and 1862, the secretary of state shall apportion equally among the present members of the general assembly; the number of German copies for each member to be determined by a list to be furnished said secretary of state by the committee on agriculture in each house, on which list shall be stated the number of German copies desired by the several members. Said reports shall be boxed up and directed to the care of the county auditor in the counties in which they respectively reside; and it shall be the duty of the said county auditors to notify the respective members within ten days after the receipt of said reports, and if not removed by the person to whom they are directed, or upon his written order, within thirty days, then the reports are to be by the auditor delivered to the president of the county agricultural society, for distribution. The charges of the transportation of said reports, as well as the charges for lumber and making boxes, shall be paid for in the same manner as is or may be provided by law for the distribution of the laws and journals.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 29, 1862.

JOINT RESOLUTION,

Relative to appropriating certain rooms in the state-house to officers therein named.

Resolved by the General Assembly of the State of Ohio. That room No. 20 in the state-house be and the same is hereby set apart and appropriated as the office of the adjutant-general of the state of Ohio. That room No. 14 of the state-house be and the same is hereby set apart and appropriated as the office of the quartermaster-general of the state of Ohio. Said rooms to continue and remain as the offices aforesaid until otherwise directed by the general assembly of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

April 30, 1862.

JOINT RESOLUTION,

Relative to authorizing the committees of the two branches of the general assembly, on reform farm, to visit the reform farm during the recess of the assembly.

WHEREAS, The committees of the two houses of this general assembly, on reform school, &c., have been unable to visit the reform farm, and as their presence at this time cannot well be dispensed with; and

WHEREAS, An intelligible and accurate report of the condition and prospects of that institution can best be made from an inspection of the farm in the summer season, when the grains and fruits grown thereon are in a state of perfection; therefore, be it

Resolved by the General Assembly of the State of Ohio, That said committees be authorized to visit the reform farm, near Lancaster, at such time, in August or September next, as they may agree upon, and report to the next session of the general assembly.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 30, 1862.

JOINT RESOLUTION,

Relative to Hamilton Cummings' contract for painting and glazing in state house.

WHEREAS, Hamilton Cummings, under his written contract with the state-house commissioners, for painting and glazing the said state-house, has performed painting and glazing therein amounting, according to the terms thereof, and correct admeasurement, only to the sum of \$16,228 95; and

WHEREAS, The said Hamilton Cummings has drawn from the treasury of the state, on account of said contract and work, the sum of \$25,024 91. the same being a sum over and above the correct amount due to him thereon of \$8,795 96; and

WHEREAS, By reason of the premises, the said Hamilton Cummings is now indebted justly to the state of Ohio in the said sum of \$8,795 96;

Resolved by the General Assembly of the State of Ohio, That the attorney-general of the state be and he is hereby instructed to inquire into and investigate said contracts, amount of work performed under the same, and the amount of money received by said Cummings thereon; what the probabilities are of collecting the same from the said Cummings. And the said attorney-general is hereby instructed to institute and prosecute to final judgment proceedings against said Hamilton Cummings, if in his opinion the solvency of said Cummings will justify the same; and that the said attorney-general report his action in the premises at the next session of the general assembly.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

April 30, 1862.

JOINT RESOLUTION,

Relative to the duties of chief clerks after adjournment.

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the senate and house of representatives shall each receive at the rate of four dollars per day for the time actually employed, after the adjournment of the general assembly, for making out indexes to the printed and recorded journals of the present session, for reading proof-sheets of the same, and for such other necessary work as they are by law and the duties of their offices required to perform; to be paid out of any money appropriated to defray the expenses of the general assembly, on the order of the auditor of state.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

JOINT RESOLUTION,

Relative to the secretary of state forwarding copies of laws to members after the adjournment.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to forward by mail (as fast as published), to the address of the members of the senate and house of representatives, such number of "forms" of the fifteen hundred copies of laws and joint resolutions, authorized by joint resolution of March 28th, as remain undistributed after the adjournment of the general assembly, apportioning the same equally among the members, and that the postage thereon be paid out of said secretary's contingent fund.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

JOINT RESOLUTION,

Relative to the pay of N. A. Gray and J. K. Rukenbrod, assistant clerks of the senate.

Resolved by the General Assembly of the State of Ohio, That N. A. Gray and J. K. Rukenbrod, assistant clerks of the senate, be paid their per diem compensation from the commencement of their services.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1st, 1862.

JOINT RESOLUTION,

Relative to thanksgiving day.

Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby requested, in the course of the current year, to issue his proclamation

designating a day of public thanksgiving and prayer to Almighty God, for his blessings vouchsafed to the people of Ohio.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

JOINT RESOLUTION,

Relative to the overflow of land by water in the vicinity of the Licking Summit reservoir, near Kirkersville, Licking county, Ohio.

WHEREAS, There has been a bill presented to the general assembly, asking for the transfer of money appropriated by an act making appropriations for the year A. D 1858 and for the first quarter of the year 1859, passed April 12, 1858, to remedy grievances claimed to be sustained by parties owning land near the "Licking Summit reservoir, near Kirkersville, in Licking county," to the construction of a ditch from the waste wier of the feeder near to and south of the village of Kirkersville, Licking county, of sufficient capacity to discharge and carry off the surplus water which may flow from said feeder to the nearest practicable point on the south fork of Licking creek; and that

WHEREAS, The senate are desirous to procure further information in relation to the overflow of lands lying contiguous to the "waste wier" near Kirkersville, in Licking county; therefore, be it

Resolved by the General Assembly of the State of Ohio, That the board of public works is hereby authorized and requested, at its earliest convenience, to make such a survey and examination as may be necessary to determine whether the overflow of land by water in the vicinity of the Licking Summit reservoir, near Kirkersville, in Licking county, is attributable to the damming of Licking creek, thereby allowing the filling up of the natural channel of the creek below such dam, and also by the overplus water from the waste wier upon the feeder below, or whether the increased overflow of land by water, referred to above, results from the natural increase of water by the drainage of lands upon the said Licking creek above the dam mentioned, and that the said board report the result of such survey and examination, with the opinion of the board of the cause of the overflow referred to, at the next session of the general assembly.

JAMES R. HUBBELL,
Speaker of the House of Representatives.
B. STANTON,
President of the Senate.

May 1, 1862.

[JOINT] RESOLUTION,

Relative to requiring the superintendents of the several benevolent institutions, and of the reform farm, to furnish certain information to the General Assembly at its adjourned session.

Resolved by the General Assembly of the State of Ohio, That the superintendents of the several benevolent institutions of this state, and the reform farm, be and they are hereby required to report to the adjourned session of this General Assembly the names and salaries of each of the officers, teachers and employees of their respective institutions, and an account of the financial condition of the

same; in which account they shall credit the said institutions with the net balance, only, remaining from former appropriations, after paying all debts due and owing, or created, in the fiscal year ending on the 15th day of November, 1861. They shall also debit the said institutions with the several amounts of appropriations and dates of each, made for the current fiscal year, commencing Nov. 15, 1861, the amount of all moneys which shall be received in said fiscal year, from pay patients, work, or otherwise belonging to the state as connected with said institutions; against which they shall credit their expenditures during said year. They shall also furnish a detailed statement of the amount of indebtedness of said institutions for said year, if any such remain unpaid at the close of said year, and if any amount due and uncollected on account of the institutions as aforesaid; and that all future reports of such institutions, as required by law, shall contain such a statement of its financial affairs for the preceding fiscal year or years embraced in said report, containing a statement of the amount paid to officers, teachers, and employees, in a separate table from the other expenses in said institution.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

JOINT RESOLUTION,

Requiring the chief clerks of the two branches to prepare a list of bills pending at the adjournment, and their disposition and condition.

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the two houses be and they are hereby authorized and instructed, as soon as practicable after the close of the present session, to prepare a list of the bills introduced into each house, showing the condition and disposition of the bills, and that the secretary of state cause the same to be printed, and two copies thereof to be transmitted by mail to each member of the general assembly, and the president of the senate.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1st, 1862.

JOINT RESOLUTION,

Instructing the state librarian to have two copies of the bills introduced in the senate and house bound, for future reference.

Resolved by the General Assembly of the State of Ohio, That the state librarian be and he is hereby instructed and required to have bound, and preserved in the library, for future reference, two copies of the printed bills introduced in the senate and house during the present session.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1st, 1862.

JOINT RESOLUTION,

Relative to the use of the library by the clergy.

Resolved by the General Assembly of the State of Ohio, That the free use of the state library be tendered to the resident ministers of this city, for two years from the first Monday of January, 1862.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

JOINT RESOLUTION,

Relative to tendering the use of the state library to the members of the general assembly of the Presbyterian church.

Resolved by the General Assembly of the State of Ohio, That the free use of the state library is tendered to the members of the general assembly of the Presbyterian church, during the sitting of said assembly, while in this city.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

B. STANTON,

President of the Senate.

May 1, 1862.

OFFICE OF THE SECRETARY OF STATE,

COLUMBUS, OHIO, May 29, 1862.

I certify that the foregoing General, Local and Special Laws, and Joint Resolutions, are correctly copied from the Original Rolls on file in this office.

WILSON S. KENNON,

Secretary of State.

TIMES OF HOLDING COURTS.

OFFICE OF SECRETARY OF STATE, }
COLUMBUS, O., May 29, 1862. }

I certify that the following list of the times of holding the District Courts and Courts of Common Pleas in the State of Ohio, is correctly compiled from the returns made to this office, and from laws passed by the General Assembly during the session of 1862.

W. S. KENNON,
Secretary of State.

FIRST DISTRICT.

DISTRICT COURT.

Hamilton, April 21, October 6.

COURT OF COMMON PLEAS.

Hamilton, January 6, June 2, November 3.

SECOND DISTRICT.

DISTRICT COURT.

Preble, April 21; Butler, April 24; Darke, May 5; Montgomery, May 8;
Miami, May 14; Champaign, May 16; Clark, May 19; Greene, May 26;
Warren, June 2; Clinton, June 5.

COURT OF COMMON PLEAS.

Butler, February 10, May 19, October 20.
Darke, February 10, June 2, October 20.
Preble, March 10, July 21, November 17.
Champaign, February 17, June 16, October 20.
Montgomery, March 3, June 23, November 3.
Miami, April 7, August 25, December 1.
Clinton, February 10, July 14, September 29.
Clark, February 24, June 23, November 10.
Warren, March 24, June 23, November 10.
Greene, March 24, July 14, September 29.

THIRD DISTRICT.

DISTRICT COURT.

Hardin, August 14; Logan, August 15; Marion, August 18; Union, August 20; Shelby, August 22; Auglaize, August 23; Mercer, August 25; Allen, August 27; Van Wert, August 29; Paulding, September 1; Defiance, September 2; Henry, September 4; Fulton, September 6; Williams, September 8.

COURT OF COMMON PLEAS.

Union, January 6, March 31, September 8,
 Hardin, January 13, April 7, September 15.
 Marion, January 20, April 14, September 22.
 Logan, January 27, April 21, September 29.
 Shelby, January 27, April 14, September 22.
 Auglaize, February 10, April 21, October 15.
 Mercer, February 24, April 28, October 27.
 Van Wert, March 10, May 5, November 3.
 Allen, March 24, May 12, November 10.
 Paulding, February 4, October 7.
 Defiance, February 11, May 5, October 21.
 Henry, February 25, May 12, November 4.
 Fulton, March 11, May 19, November 18.
 Williams, March 25, May 27, December 2.

FOURTH DISTRICT.

DISTRICT COURT.

Lucas, April 21; Sandusky, April 28; Ottawa, April 29; Erie, April 30;
 Huron, May 5; Lorain, September 2; Medina, September 5; Summit, September 10; Cuyahoga, September 16.

COURT OF COMMON PLEAS.

Erie, February 24, May 19, October 6.
 Huron, March 17, June 16, October 27.
 Lucas, February 17, May 26, November 3.
 Sandusky, February 17, May 12, October 15.
 Ottawa, March 25, June 10, November 4.
 Lorain, February 4, May 6, October 21.
 Medina, February 18, May 20, November 4.
 Summit, March 4, June 3, November 18.
 Cuyahoga, February 17, May 19, November 10.

FIFTH DISTRICT.

DISTRICT COURT.

Madison, May 9; Franklin, May 12; Pickaway, May 19; Adams, September 24; Brown, September 26; Clermont, September 29; Ross, October 3; Fayette, October 16; Highland, October 20.

COURT OF COMMON PLEAS.

Adams, February 25, July 15, October 21.
 Brown, March 11, August 12, November 4.
 Clermont, March 25, July 29, November 18.
 Ross, March 4, June 3, November 11.
 Highland, February 11, May 20, October 28.
 Fayette, April 1, July 15, November 4.
 Franklin, February 24, May 26, November 10.
 Pickaway, March 4, June 10, October 27.
 Madison, April 7, June 30, October 27.

SIXTH DISTRICT.

DISTRICT COURT.

Holmes, June 10; Wayne, June 11; Ashland, June 16; Richland, June 18; Morrow, June 23; Delaware, June 27; Knox, July 7; Licking, July 11; Coshoc-ton, July 23.

COURT OF COMMON PLEAS.

Knox, February 11, May 13, October 23.
 Licking, March 4, August 26, November 25.
 Delaware, February 11, April 8, September 23.
 Coshoc-ton, March 4, August 11, November 24.
 Wayne, March 3, September 8, November 24.
 Holmes, February 11, May 6, November 4.
 Ashland, February 11, April 22, October 14.
 Morrow, February 25, May 6, October 14.
 Richland, March 17, September 1, November 17.

SEVENTH DISTRICT.

DISTRICT COURT.

Washington, April 17; Meigs, April 21; Gallia, April 23; Lawrence, April 25; Pike, April 28; Scioto, April 30; Perry, September 3; Fairfield, September 5; Hocking, September 10; Athens, September 12; Vinton, September 16; Jackson, September 17.

COURT OF COMMON PLEAS.

Perry, February 24, May 5, September 29.
 Hocking, March 10, May 19, October 13.
 Fairfield, March 24, June 2, October 27.
 Lawrence, February 10, May 12, September 22.
 Vinton, February 10, May 12, September 22.
 Jackson, February 24, May 26, October 13.
 Pike, March 10, June 9, October 27.
 Scioto, March 17, June 16, November 3.
 Washington, February 24, May 19, October 9.
 Athens, March 6, May 29, October 20.
 Meigs, March 17, June 9, October 30.
 Gallia, March 24, June 16, November 10.

EIGHTH DISTRICT.

DISTRICT COURT.

Tuscarawas, September 2; Muskingum, September 4; Morgan, September 9; Guernsey, September 12; Jefferson, September 17; Harrison, September 22; Belmont, September 24; Monroe, September 29; Noble, October 1.

COURT OF COMMON PLEAS.

Muskingum, February 18, May 19, November 3.
 Morgan, March 25, July 15, October 21.
 Monroe, February 18, May 20, November 11.
 Belmont, March 18, June 17, October 21.

Noble, March 4, June 3, October 7.
 Tuscarawas, February 18, May 27, October 21.
 Guernsey, March 10, June 9, November 10.
 Jefferson, March 11, June 10, November 11.
 Harrison, February 25, May 20, October 28.

NINTH DISTRICT.

DISTRICT COURT.

Portage, April 24; Stark, April 28; Carroll, May 1; Columbiana, May 3;
 Mahoning, May 6; Trumbull, May 9; Lake, May 13; Geauga, May 15; Ashtabula, May 17.

COURT OF COMMON PLEAS.

Carroll, February 11, May 21, October 1.
 Stark, February 24, June 2, October 15.
 Mahoning, February 10, May 21, September 29.
 Columbiana, March 3, June 9, October 15.
 Portage, February 10, May 21, September 29.
 Trumbull, March 3, June 9, October 15.
 Lake, February 10, May 20, September 29.
 Geauga, February 24, June 2, October 15.
 Ashtabula, March 17, June 16, November 3.

TENTH DISTRICT.*

DISTRICT COURT.

Putnam, June 24; Wood, June 26; Crawford, July 1; Wyandot, July 3;
 Hancock, July 8; Seneca, July 10.

COURT OF COMMON PLEAS.

Seneca, January 13, May 26, October 20.
 Wyandot, February 18, April 29, November 11.
 Crawford, March 4, May 13, December 2.
 Putnam, February 4, May 6, October 21.
 Wood, February 11, May 13, October 28.
 Hancock, February 25, May 20, November 10.

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 Second Circuit—4th and 6th Districts, Judge Sutcliffe.
 Third Circuit—5th and 7th Districts, Judge Brinkerhoff.
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* See page 112 abolishing.

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ERRATA.

(Note by the Clerk of the House of Representatives.)

On account of the press and excitement of business during the last day of the session, the committee on Enrollment overlooked two very material and serious errors of the enrolling clerks.

In House bill No. 45, (page 101) "An act amendatory and supplementary to an act entitled an 'act to provide for the creation and regulation of incorporated companies in the State of Ohio,'" passed May 1, 1852, sections 2 and 3 are superfluous, and sections 4, 5 and 6 should be numbered 2, 3 and 4. Sections 2 and 3 of the act as printed are amendments made by the Senate in which the House refused to concur, and from which the Senate subsequently receded.

House bill No. 193, (page 116) "An act prescribing the fees of the clerks of courts." In section 2, line 5, the word juror should be jury, so that the clause would read "for certifying the fees or compensation of each grand jury for attendance during the term, one dollar."

These errors are purely clerical, and attributable solely to the manner in which business was rushed through the House during the last day of the session, which rendered it impossible for the enrolling committees to give every bill that attention which the proper discharge of their duties required.

Attest;

EDWARD KINSMAN, Clerk H. R.

☐ On the title page, read—"In the sixtieth year of said State."

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AN ACT:

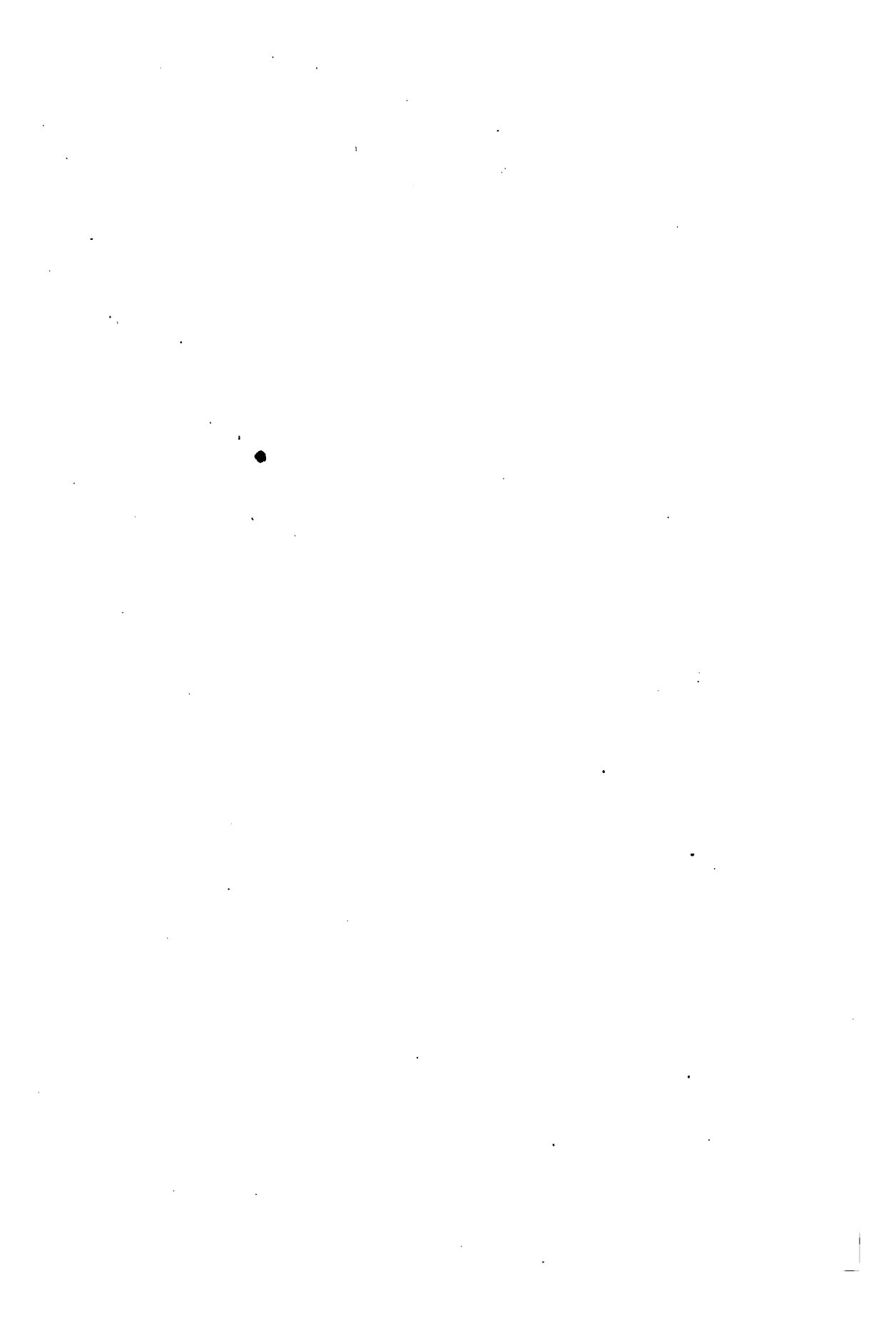
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